



BULLER DISTRICT COUNCIL

Proposed District Plan Changes 133 – 145

**SUMMARY OF DECISIONS REQUESTED
By SUBMITTERS**



**SUMMARY OF DECISIONS REQUESTED
PROPOSED BULLER DISTRICT PLAN CHANGES 133-145**

001. KiwiRail

<p>Address for service:</p> <p>KiwiRail PO Box 593 Wellington 6140</p> <p>rebecca.beals@kiwirail.co.nz</p>	<p>Plan Change 138 Part 2.4 Natural Hazards Objective 1 Ensure that adverse effects of natural hazards on certain elements, including infrastructure, are avoided or mitigated. Retain as notified</p> <p>Plan Change 139 Part 2.5 The Built Environment Policy 2 – Residential Areas Ensure that performance standards are imposed that provide a level of certainty in relation to amenity values the community can expect within Residential Areas Retain as notified</p> <p>Policy 2 – Commercial Areas Ensure that performance standards are imposed that provide a level of certainty in relation to amenity values the community can expect within Commercial Areas Retain as notified</p> <p>Plan Change 140 Part 2.6 The Coastal Environment Objective 2 Recognition is given to maintaining and enhancing public access along the coastline where practicable and achievable. Retain as notified</p> <p>Policy 2(g) The recognition of a functional need to be located within the coastal environment through clause g is supported. The rail corridor is unable to be relocated easily such that there are practicable alternatives. Retain as notified</p> <p>Policy 3 Public access is maintained and enhanced where appropriate, but that it also recognises that restrictions are sometimes appropriate for public safety reasons. Retain as notified</p> <p>Plan Change 141 Part 2.7 The Natural Environment Objective 5 Public access to and along waterbodies is maintained and enhanced where practicable and achievable. Retain as notified</p> <p>Policy 8 Public safety reasons are considered in relation to determinations around public access and the impact proposals will have on that. Retain as notified</p> <p>Plan Change 142 Part 2.8 The Rural Environment Policy 2 – Rural Zone Ensure that performance standards are imposed that provide a level of certainty in relation to amenity values the community can expect within Rural Areas. Retain as notified</p>
--	--

Policy 5 – Rural Zone

Reverse sensitivity is provided for and that existing lawful activities are protected.

Retain as notified

Plan Change 143

**Part 2.9 Transport
Introduction**

Recognises that the rail corridor plays an important role in the movement of freight within the region and wider South Island.

Retain as notified

Issue

Recognises the issue of integrated, safe and efficient transport systems being required for the district.

Retain as notified

Objective

Supports objective to provide a safe and efficient transport network, and also to recognise the benefits of the transport network.

Retain as notified

Policy 2

Supports recognition of the transport network and the effects that new roads, intersections, vehicle crossings and accessways have on the network.

Retain as notified

Policy 5

Recognises the rail network as a transport network and the strategic link that it provides.

Retain as notified

Explanation – Policy 2 and 5

Retain as notified

Plan Change 144

**Part 2.10 Network Utilities
Introduction**

Recognises that rail is also a network utility.

Retain as notified

Issue 1

Recognises that utilities and regionally significant infrastructure provide a benefit for communities and that they are often subject to specific requirements that can affect their ability to mitigate environmental effects.

Retain as notified

Issue 4

Supports recognition that inappropriate subdivision and land use development can impact on safe and efficient functioning of utilities.

Retain as notified

Objective 1

Retain as notified

Objective 2

Retain as notified

	<p>Policy 1 Supports Council in the recognition provided for regionally significant infrastructure and utilities. Retain as notified</p> <p>Policy 2 Supports recognising that there are location, technical and operation constraints in relation to utilities and regionally significant infrastructure. Retain as notified</p> <p>Policy 3 Amend as follows: <i>Policy 3 – Managing Residual Environmental Effects</i> <i>To consider environmental compensation or offsetting measures, including measures or compensation which benefits the local environment and community affected, where any residual environmental effects of <u>new</u> regionally significant infrastructure cannot be avoided, remedied or mitigated.</i></p> <p>Policy 4 Supports recognising reverse sensitivity effects in relation to regionally significant infrastructure – Retain as notified</p> <p>General Any consequential changes to accommodate the requested changes.</p>
--	---

002. Buller Electricity Ltd

<p>Address for service:</p> <p>Buller Electricity Ltd c/- Chris J Coll Surveying Ltd PO Box 204 Westport 7866</p> <p>laura@cjc.co.nz / jan@cjc.co.nz</p>	<p>Plan Change 144 Approve in its entirety.</p> <p>Plan Change 145 Approve in its entirety.</p>
--	---

003. Spark New Zealand Trading Limited and Chorus New Zealand Limited

<p>Address for service:</p> <p>Spark New Zealand Trading Limited and Chorus New Zealand Limited c/- Incite PO Box 1105 Nelson 7040</p> <p>gary@incite.co.nz</p>	<p>Plan Change 144 Introduction Retain as notified</p> <p>Issue 1 Retain as notified</p> <p>Objective 1 Retain as notified</p> <p>Policy 1, 2 and 4 Retain as notified</p>
--	---

004. Department of Conservation

<p>Address for service:</p> <p>RMA Shared Services Department of Conservation Private Bag 3072 Hamilton 3240</p> <p>rpenney@doc.govt.nz</p>	<p>Plan Change 137 Part 2.3 Mineral Resources Objective Retain as notified</p> <p>Policy 2 Partial support; Amend Amend to include the management of effects on the values of the affected area.</p>
--	--

Policy 4

Partial support; Amend

“To ensure that during and after mineral exploration and extraction activities, sites are progressively rehabilitated to enable the establishment of a land use appropriate to the area, and to enable remediation of adverse effects of the activity.”

Plan Change 138

2.4 Natural Hazards – all of chapter

Amend

Include objectives and policies in the plan that give effect to the New Zealand Coastal Policy Statement (NZCPS) direction regarding coastal hazards, particularly Policy 25 NZCPS.

Plan Change 140

2.6 The Coastal Environment – all of chapter

Amend

Add and amend objectives and policies to give effect to the NZCPS, including the directive policies of the NZCPS regarding indigenous biological diversity, natural character, natural features and landscapes and coastal hazard risk (in particular refer NZCPS Policies 11, 13, 15 and 25).

Introduction

Amend

Amend as follows:

The term ‘coastal environment’ is not defined in the RMA. However, Policy 1 of the NZCPS provides direction as to the extent and characteristics of the coastal environment. ~~#~~ The coastal environment is generally accepted to comprise the area inland from the coast that is subject to coastal processes and influences and where coastal qualities are significant.

2.6 The Coastal Environment – all of chapter

Amend

The coastal environment line from the West Coast Regional Council studies on Natural Character and Outstanding Natural Landscapes/Features be adopted in the District Plan.

Objective 1

Oppose; Amend with the following wording or similar:

Objective 1 – ~~Appropriate~~ Subdivision, Use and Development of the Coastal Environment

~~To enable appropriate subdivision, use and development where adverse effects on the natural character of the district’s coastal environment can be avoided or mitigated.~~

Subdivision, use and development in the Coastal Environment is enabled where it:

- protects the indigenous biodiversity values of the Coastal Environment, and
- preserves the natural character of the Coastal Environment; and
- protects the natural features and natural landscapes of the Coastal Environment; and
- avoids increased coastal hazard risks.

Objective 2

Support; Amend

Amend as follows:

To maintain and enhance public access to and along the coastline ~~where it is practicable and achievable.~~

Policy 1

Retain as notified

Policy 2

Amend

Amend or add new policy/policies to give effect to the directive policies of the NZCPS, including those regarding indigenous biological diversity, natural character, natural features and landscapes and coastal hazard risk (refer NZCPS Policies 11, 13, 15 and 25).

Policy 3

Support; Amend

Amend as follows:

Public access to and along the coastline shall be maintained, and enhanced where appropriate, ~~except where restrictions~~ and restrictions are only imposed where these are necessary to ensure public safety or to avoid adverse effects on ecological values.

Policy 4

Retain as notified

Plan Change 141

2.7 The Natural Environment – Introduction, paragraph 4

Retain as notified

Issue 1

Oppose

Re-state as an issue, identifying the environment problem that is to be addressed, including the cause of the problem (what is being affected, how and where).

Objective 1

Oppose / Amend

Amend as follows:

To enable appropriate subdivision, use and development ~~within areas of where~~ significant indigenous vegetation and significant habitats of indigenous fauna is protected. ~~where indigenous biodiversity is maintained~~

Objective 2

Amend

Amend as follows:

~~Protection~~ Preservation of the Natural Character of Waterbodies, Wetlands and their Margins

To enable appropriate subdivision, use and development of waterbodies, wetlands and their margins, where their natural character is preserved, and where adverse effects on significant natural character, ecological, recreational, amenity and cultural values are maintained. ~~avoided or mitigated.~~

Objective 4

Amend

Amend as follows:

To enable activities on the surface of waterbodies where ~~adverse effects on~~

~~significant~~ their natural character is preserved, and ecological, recreational, amenity and cultural values are maintained ~~avoided or mitigated~~.

Objective 6

Amend

Amend as follows:

To enable appropriate subdivision, use and development where characteristics and values of ~~where the adverse effects on areas of~~ Outstanding Natural Features and Landscapes are protected. ~~are avoided or mitigated.~~

Policy 1

Amend

Amend as follows:

To ~~promote the protection of~~ protect areas of significant indigenous vegetation and significant habitats of indigenous fauna through the resource consent process.

Policy 2

Support; Amend

Amend as follows:

~~To identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, which are significant for one or more of the following reasons:~~

Significance, with respect to indigenous vegetation and habitats of indigenous fauna (excluding wetlands which are assessed according to the criteria in [Schedule X]), will be assessed against the following criteria. Where one or more of the ten criteria listed is met, the area or habitat is considered significant.

[Number each of the bullet points]

Include a new policy or schedule to the District Plan that includes the Ecological Criteria for Significant Wetlands as set out in Schedule 3 of the West Coast Regional Water and Land Plan, October 2014.

Policy 3

Support; Amend

Re-draft Policy 3 by separating out the matters relating to consideration of the significance of the site from the management of adverse effects.

New Policy

Remove (f) from Policy 3 and make a new policy as follows:

Adverse effects on areas with significant indigenous biodiversity values will be managed by:

- (i) avoiding as far as practicable, and where total avoidance is not practicable, minimising adverse effects
- (ii) remediation where adverse effects cannot be avoided
- (iii) mitigation where adverse effects cannot be avoided or remediated.

Where residual adverse effects are more than minor, considering the use of biodiversity offsets in a similar ecological context (in accordance with Schedule [X] best practice principles) to achieve 'no net loss' of indigenous biodiversity.

Insert new Schedule (refer Attachment 1 to this submission)

Policy 4
Oppose
Delete Policy 4.

Policy 5
Retain as notified

Policy 6
Amend
Amend as follows:
To avoid, remedy or mitigate the adverse effects of subdivision, use and development that would detract from or compromise ~~significant~~ natural character, ecological functioning, recreational, amenity and cultural values of waterbodies, wetlands and their margins.

Policy 7
Retain as notified

Policy 8
Retain as notified

Policy 10 & 11
Amend
Amend to clarify that the provisions of chapter 2.6 (as amended by this submission) apply to outstanding landscapes and features in the coastal environment.

It is noted that outstanding natural landscapes and features within the coastal environment have been identified as part of a West Coast Regional Council study. Where these are located above Mean High Water Springs, they should be adopted by the District Plan.

Policy 11
Amend
Amend Policy 11 or provide a new policy that gives clear direction on how activities within these areas will be managed.

Explanation
Amend
Amend as follows:
[New Policy] provides direction on how adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna are to be addressed. The hierarchy of actions places emphasis on firstly avoiding (including minimising where total avoidance is not practicable) adverse effects, before remedying, then mitigating, and lastly considering the use of biodiversity offsets where residual adverse effects will be more than minor.

In circumstances where adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna cannot be adequately avoided, remedied and mitigated, and biodiversity offsets are considered, it is recognised that there are limits to what can be offset because some species or habitat and associated ecosystems are vulnerable or irreplaceable. In such circumstances, biodiversity offsetting will not be appropriate and full account of residual adverse effects will need to be taken in decision-making processes.

Plan Change 142
2.8 The Rural Environment
Policy 6
Retain as notified

Plan Change 145

Introductory paragraph

Amend

Amend to provide clarity as to the intention of this sentence ensuring that it achieves Part 2 of the Resource Management Act.

PA 1

Oppose in part

Ensure the permitted rule does not apply to new underground lines within wetlands or areas with significant indigenous biodiversity values. Activities within these areas may require consent if adverse effects will result.

PA 4

Oppose in part

The rule needs to ensure that the activity appropriately addresses effects on areas with significant values in the coastal environment or outside the coastal environment, areas with significant indigenous biodiversity values.

PA 6

Oppose in part

Ensure the permitted rule does not apply within areas of significant indigenous biodiversity values, outstanding natural features or landscapes and outstanding natural character areas. Activities within these areas should not be permitted.

PA 7

Oppose in part

Ensure the permitted rule does not apply within areas of significant indigenous biodiversity values, outstanding natural features or landscapes and outstanding natural character areas. Activities within these areas should not be permitted.

PA 8

Oppose in part

Ensure the permitted rule does not apply within areas of significant indigenous biodiversity values, outstanding natural features or landscapes and outstanding natural character areas. Activities within these areas should not be permitted.

All Plan Changes

Amend

Ensure that the plan contains internal consistency between chapters, including management direction for addressing adverse effects on the environment.

Amend

Include rules within the relevant zones as follows:

Permitted Activity Rule X: Activities undertaken by the Crown within land held or managed under the Conservation Act 1987 (or any other Act specified in Schedule 1 of that Act) that:

- (a) are consistent with a conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act, and
- (b) do not have a significant adverse effect beyond the boundary of the area of land.

General

Further consequential relief to like effect.

005. Teresa Wyndham-Smith & Peter Fricker

<p>Address for service:</p> <p>Teresa Wyndham-Smith & Peter Fricker CMB 16 Punakaiki RD 1 Runanga</p> <p>teresawsmith@gmail.com frickerpeter@gmail.com</p>	<p>Plan Change 138 Include reference to coastal erosion in Punakaiki.</p> <p>Plan Change 139 Include rules.</p> <p>Stronger protection for the natural environment.</p> <p>Plan Changes 140-141 Include rules.</p>
--	---

006. Margaret Montgomery

<p>Address for service:</p> <p>Margaret Montgomery PO Box 294 Westport 7866</p> <p>westportholidaypark@xtra.co.nz</p>	<p>Plan Change 139 Policies 5 and 6 Wording for Bed & Breakfast Amend Provide definitions of what they are as the written form at present is very vague and open to too much ambiguity – i.e. a Bed & Breakfast under 5 people staying (anything with more than 5 people is not residential – but commercial).</p> <p>Plan Change 145 PA 6 Amend Written permission is needed from adjoining landowners within 22m radius of new poles and electricity.</p>
---	--

007. Susan Scobie and Robert Burns

<p>Address for service:</p> <p>Susan Scobie and Robert Burns PO Box 622 Nelson 7010</p> <p>Suescobie2@gmail.com</p>	<p>Plan Changes 133-145 Withdraw proposed Plan Changes 133 – 145 and replace with proposed changes which include full suite of plan provisions at the same time (issues, objectives, policies and methods of implementation). That new proposals more thoroughly address issue of coastal erosion, particularly at Punakaiki. A sustainable solution is required to address coastal erosion, potentially including managed retreat if a sustainable protection scheme is not financially viable.</p> <p>Plan Change 140 New proposals to clarify that provisions apply to all coastal areas in Buller; as this section appears to only apply to the Paparoa Character Area.</p>
---	---

008. NZ Transport Agency

<p>Address for service:</p> <p>NZ Transport Agency PO 5245 Dunedin 9058</p> <p>Kirsten.tebbutt@nzta.govt.nz</p>	<p>The proposed District Plan Changes be confirmed subject to the amendments contained in the submission.</p> <p>Plan Change 138 Objective 1 Retain as notified</p> <p>Policy 1 Retain as notified</p> <p>Plan Change 139 Section 2.5 Neutral Amend Section 2.5 to provide each objective and policy with an individual and consecutive number.</p>
---	---

Residential Areas – Policy 1

Retain as notified

Plan Change 140

Introduction

Support and Amend

Amend the Introduction to this section as follows:

Much of the coastline and the coastal environment is relatively undeveloped, in the sense that there ~~are relatively few buildings~~ is limited built development, however it is acknowledged that the State highway network extends along various lengths of the coastline and has an influence on the character and natural values present. Other undeveloped areas of the coastline exhibit ~~it is therefore~~ a predominantly natural character, ~~which~~ and the coastal environment includes a variety of landscapes ranging from indigenous forest to pasture.

Policy 2

Support and Amend

Amend the criteria attaching to Policy 2 to include the following:

j) Where applicable, the extent the activity is necessary for the purposes of maintaining or improving the State highway network

Plan Change 141

Policy 3

Support and Amend

Amend Policy 3 by adding the following:

h) Where applicable, the extent the activity is necessary for the purposes of maintaining or improving the State highway network.

Policy 11

Support and Amend

Amend Policy 11 by adding the following:

g) Where applicable, the extent the activity is necessary for the purposes of maintaining or improving the State highway network.

Plan Change 142

Policy 5

Retain as notified

Plan Change 143

Objective

Oppose

Delete the proposed Objective, and replace it with three objectives as follows:

Objective 1 – Safe and Efficient Transport Network

To recognise the importance and benefits of, and to provide for, a safe and efficient transportation network.

Objective 2 – Additions to the Transport Network

To provide for additions to the transportation network which are not detrimental to the existing network, and to avoid, remedy or mitigate adverse effects on the surrounding environment.

Objective 3 – Conflict Minimisation

To minimise conflict between land uses, transport and people.

New Policy

Support and Amend

Insert a new policy as follows:

Policy 5 – State highway network

To recognise the importance of the State highway network as regionally significant infrastructure and to ensure the safe and efficient operation of the State highway network is not compromised by the effects of land use activities.

009. Phil Perrott

Address for service: Phil Perrott 117 Torea Street Granity 7823 phil@perrott.co.nz	Vehicles prohibited from fragile area Hector to Granity, except those involved in erosion prevention work or permitted by resource consent.
--	---

010. Peter Hollis

Address for service: Peter Hollis 20 Mill Street Westport 7825	Plan Changes 135, 140 & 141 No decisions sought.
---	--

011. Marie Elder and Anthony Sole

Address for service: M E Elder and A T Sole CMB 61 Punakaiki RD 1 Runanga 7873 eldersole@gmail.com	References to the Paparoa Character Area in the proposed changes modified so the focus returns to protection of the natural environment. For the Paparoa Character Area and the Scenically Sensitive Residential Zone of the Ross subdivision, greater protection of indigenous vegetation. Appropriate provisions could include: <ul style="list-style-type: none">• Screening vegetation to be left between the road and any development such as buildings or multiple car-parks• No clearance of indigenous vegetation up to within two metres of any boundary without resource consent• No significantly-sized trees [say 5m plus] to be cut down without resource consent• No buildings or multiple car-parks to be visible from the road• Car-parks per site / house to be at a low residential level e.g. 2-3 per house• No buses larger than a mini-bus, and no bus-parks, permitted in Hartmount Place• No exotic plantings to be visible from the road Tighter restrictions on permitted commercial activities in the Scenically Sensitive Residential Zone of the Ross subdivision. The density of commercial accommodation should not exceed healthy residential levels. These levels need to be established in the District Plan e.g. a maximum of 2-3 persons per bedroom That no drafted changes to the plan be finalised until appropriately notified and supported public consultation has taken place over a reasonable time frame. This would involve preparation and circulation of discussion documents, and public consultation meetings held in each area of the district including Punakaiki.
---	--

012. Jane Orchard

Address for service: Jane Orchard 84 Powerhouse Road Fairdown RD 1 Westport 7891 Faraway.orchard@gmail.com	Plan Change 137 Issue 1 and Policies 1 & 3 All sections which give coal mining primary over people must be removed.
---	---

013. Alistair Orchard

Address for service:

Alistair Orchard
84 Powerhouse Road
RD 1
Westport 7891
adorchard@gmail.com

Plan Change 137 Issue 1 and Policies 1 & 3

Amendment of Issue 1 by the inclusion of a health and safety requirement.
Deletion of Policies 1 and 3 and substitution with policies consistent with s23 of the Health Act 1956.

014. Buller Conservation Group

Address for service:

Buller Conservation Group
c/- PO Box 463
Westport 7866
Karearea.f@gmail.com

Plan Change 133 Introduction **Delete and insert**

(Existing District Plan (DP) 1.1.1, 1.1.2)

The Buller District Plan sets out objectives, policies, and methods of implementation which provide the framework for managing natural and physical resources in the district. The Resource Management Act 1991 is the controlling legislation under which the Plan was written. The Act has as its overall purpose the promotion of "... the sustainable management of natural and physical resources" and the planning process developed within the District Plan reflects this intent.

Retain;

Existing DP 1.2.1, 1.2.2, 1.2.3, 1.3.18

Retain but amend as follows

Existing DP 1.4.3.2. While the Act places emphasis on managing natural and physical resources, social and economic matters (such as employment opportunities and aspects of community health and safety) are addressed in the Plan, to the extent that they are affected by, or have an effect on, the quality of the natural and physical environment.

Retain

Existing DP 1.4.3.3, 2.1.1, 2.1.2, 2.5, 2.7, 2.9.1.1, 2.9.1.4, 2.9.2, 2.9.3, 2.10, 2.11

Retain

Existing DP 3.1. Introduction

3.1.1. Resource management issues arise out of the interaction of people with natural and physical resources. In some cases the effects of this interaction will be minor, therefore requiring minimum control or intervention. However there are instances when resource use may have significant effects on the environment, and therefore on the sustainability of that resource, and should be permitted only if subject to strict conditions or possibly refused altogether. Effects can also be cumulative in their nature. Over time the combination of small scale effects can result in major impacts on the resource not initially envisaged. An understanding is required of the natural and physical resource base and people and communities in Buller District in order to determine appropriate management responses.

Plan Change 134

Amend

Reword chapter to flow better.

Last paragraph

Amend

Amend as follows:

Issues, Objectives and Policies in this Plan 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, in which case off-setting needs to be considered ~~and positive effects and benefits may outweigh any adverse effects.~~ The degree and significance of effects, including the potential for cumulative effects, will need to be considered in the circumstances of each case and a weighing up of factors under this Plan.

Plan Change 135

Retain and amend:

2.1...

[Existing DP 4.6.4. with amendments] In the past, sites of historical or cultural significance have been destroyed by insensitive development or land use. Historic heritage can be adversely affected by existing and new development, subdivision and land uses where these are undertaken without consideration being given to the heritage values.

Include:

Policy 3 – Protection of Historic Heritage

[Existing DP 4.6.8.2. with amendments] Evaluate and protect heritage resources by identifying those resources of historic, cultural or architectural value or of special significance to the District. In any application for resource consent in relation to any items of historical significance, including buildings, sites or structures recorded in this Plan, the historic values of those item(s), and the potential impacts of the proposed activity both adverse and positive, including the economic, social and cultural well-being of the affected community, must be considered.

Retain:

[Existing DP 4.6.9.3.] Support the Historic Places Trust in registering historical and cultural sites or places within Buller District.

[Existing DP 4.6.9.4.] Encourage the use of heritage orders for the protection of significant cultural and/or historical resources and sites.

Plan Change 136

Introduction

Amend

Amend as follows:

The Council will ~~would like to~~ ensure that the manufacture, use, storage, transport and disposal of hazardous substances in the district is carried out in an appropriate manner.

Amend

The following need to be added:

Issue 3 - Land may already be contaminated with hazardous substances. There is ongoing identification of such land.

Issue 4 - Safe disposal of hazardous substances

Policy 2 - Contaminated land must be contained, then cleaned up before any further activity takes place there.

General

That Council, in cooperation with other appropriate agencies and departments, develop a strategy to make a transition from the use of glyphosate.

Address the issue of air pollution.

Plan Change137

Insert from existing DP:

DP 4.5.2. Buller District is relatively well endowed with a variety of mineral resources. They include substantial reserves of bituminous, sub-bituminous and lignite coal, relatively widespread alluvial gold and hard rock gold and mineral sand deposits, the latter containing magnetite, ilmenite, zircon and monazite. Smaller quantities of uranium, copper, molybdenum and lead have also been located within the District. Industrial minerals, in particular limestone, are currently extracted in economic quantities.

DP 4.5.4.2. To safeguard the life supporting capacity of air, water, soil and ecosystems and avoid, remedy or mitigate adverse effects from the use and development of mineral resources.

4.5.5.5. To require mineral resource related activities to incorporate measures to protect water quality, ecosystems and reduce carbon emissions.

4.5.5.6. When rehabilitation plantings are carried out pursuant to a resource consent, preference should be given to the use of indigenous species where appropriate, with a further preference for local genetic stock where indigenous species are to be used.

4.5.7.3. Mining activities, particularly those on a large scale, can have significant impacts on local rural communities, in particular on social and economic factors. Increased population, employment opportunities and support of local facilities can be benefits in the short term. However mineral resources are finite and in the long term the continued sustainability of the community and local natural and physical resources must be taken into account.

4.5.8.1. Maintenance and protection of environmental quality in the long term on mineral extraction sites.

4.5.8.2. Utilisation of mineral resources in a way which avoids, remedies or mitigates significant adverse effects on natural character, outstanding landscapes and natural features, significant indigenous vegetation, significant habitats of indigenous fauna and the life supporting capacity of ecosystems.

4.5.9.1. The Council will keep a record of all mined and rehabilitated areas that have been granted resource consent, and will visit each active area at least once every two years to assess the effects of the activity on the environment.

4.5.9.2. The Council may require, as a condition on any resource consent for a new mine, the provision of monitoring information including yearly reports on the environment mitigation measures undertaken, in order to provide information to assess whether the rules in the District Plan and conditions of resource consents are sufficiently effective in remedying adverse effects.

4.5.9.3. The Council will keep a register of any complaints concerning mines and will ensure that these are investigated where appropriate.

Any new mining activities need to have proof-positive that they will be economically viable before consents are actioned.

Plan Change 138

Policy should be district wide.

Plan Change 139

4th paragraph....Intermingling of activities is encouraged where this can take place within the established thresholds, or where the adverse environmental effects of activities can be avoided, remedied or mitigated – would like to see rules set around what is and is not acceptable.

Large dairy farms need to be classified as “Industrial”.

Objective 2 - Residential Character, Amenity and Heritage Values

Amend

Amend as follows:

To maintain or enhance the distinctive landscapes and natural character, amenity and heritage values of residential areas and protect these areas from the adverse effects of inappropriate development.

Policy 3 – Non-Residential Activities

Amend

Amend as follows:

To ensure that non-residential activities which are likely to have significant adverse effects on residential character and amenity values, especially in relation to commercial activities, car parking, vehicle movements, noise and visual appearance, are restricted within residential areas. This includes non-residential activities outside of residential areas that impact, or have the potential to impact, on residential areas.

Objective – Industrial Zone

A buffer zone needs to be established between industrial areas and other areas.

Retain

Existing DP 4.3.7.5

General

There needs to be reference to views from homes in the district. There should be constraints on buildings that block the views from other sites.

Plan Change 140

General

The proposed changes should be saying that there will be exclusion areas for placing infrastructure along coastal areas to account for, and in anticipation of, rising sea levels.

Introduction

Amend – 1st paragraph as follows:

..... ~~Much~~ Some of the coastline and the coastal environment is relatively undeveloped, in the sense that there are relatively few buildings, roads or other built development, although much in the flatter rural area has been cleared for pasture.

Policy 4

Amend

Amend as follows:

To provide for the creation of esplanade reserves or esplanade strips when subdivisions take place; ~~where~~ their creation is ~~deemed~~ necessary in order to protect conservation values, enable public access to or along the coastline, ~~any sea or and~~ to enable public recreational use of the reserve or strip and

adjacent sea, where the use is compatible with conservation values.

Include

Policy 5:

Where the natural character of the coastline has been compromised through development, effort will be taken to reinstate that coastline, including moving fence lines out of the coastal area and to their proper boundaries.

Explanation

Amend

Amend as follows:

~~Policy 4 allows for the creation of e~~Esplanade reserves and strips on subdivisions ~~where their creation is~~ are considered necessary in order to meet one or more of the matters identified as the purposes of esplanade reserves and strips in the RMA. These can be set aside for a variety of purposes related to conservation, public access, recreation or protection of water quality. ~~The Council considers that esplanade areas will not be required in all circumstances and therefore retains discretion as to when this will be appropriate. Policy 4 is supported by assessment criteria to guide the Council's decision for creation of esplanade areas (refer Rules on Esplanade Strips and Esplanade Reserves).~~

Retain

Existing DP 4.7.4, 4.7.5.1, 4.7.6.1, 4.7.8.4, 4.7.9

Plan Change 141

Introduction

Amend

Amend as follows:

Significant Indigenous Flora and Fauna

New Zealand is an internationally recognised biodiversity hotspot, with the Buller District contributing strongly to that biodiversity. The district contains a diverse range of habitats that support indigenous plants and animals, comprising forests, shrubland, herbfields, tussock grasslands, wetlands, lakes and rivers and their margins. Many species of these are endemic, and some, locally endemic. Comprising forests, shrubland, herbfields, tussock grasslands, lakes and river margins. The Karamea wetland and estuary is an internationally recognised RAMSAR site. Indigenous biodiversity is also an important component of the district's landscapes. The majority of the district's natural areas are on land administered by the Department of Conservation and are therefore legally and/or physically protected by way of conservation areas, reserves, forest parks or national parks.

...There are relatively small amounts of indigenous forest habitats present on private land within the district. ~~It is understood that minimal modification of these habitats is taking place due to factors such as the steepness of slopes, the requirements of amendments to the Forests Act 1949 and the conservation ethic now adopted by many landowners.~~

... A concern for the district is the retention of remaining wetlands. Most fertile wetlands in the district have been drained or modified by land development activities; therefore those that remain have considerable importance to the ecology of the district. Lowland wetlands are the main habitat for inanga, the principal whitebait species, as well as other threatened species. Wetlands are also an important mechanism for flood control and release of water during times of drought.

Retain and incorporate

Existing DP 4.8.3

Retain

Existing DP 4.4.14.7 **and include (v) flood protection**

Landscape

Amend

Amend as follows:

.... Section 6(b) of the RMA places an obligation on councils to recognise and provide for the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.

A significant proportion of outstanding landscapes in the Buller district are located on Department of Conservation land, therefore their protection is effectively provided for (e.g. Kahurangi and Paparoa National Parks). Other landscapes must also be protected. ~~are not considered to be threatened due to their isolation, limited mineral resources, uneconomic costs of development and the nature of the land which would prevent or make any development extremely difficult.~~

Retain

Existing DP4.8.1.1 to **replace** Issue 1

Amend the below provisions as follows:

Objective 1

Protection of Significant Indigenous Vegetation and Habitats

To discourage ~~enable appropriate~~ subdivision, use and development within areas of significant vegetation and significant habitats of indigenous fauna, ~~where indigenous biodiversity is maintained.~~

Or replace with

Existing DP 4.8.6.1

Objective 2

To protect the natural character of waterbodies, wetlands and their margins, especially in relation to ~~enable appropriate~~ subdivision, use and development ~~of waterbodies, wetlands and their margins where adverse effects on significant natural character, ecological, recreational, amenity, and cultural values are avoided or mitigated..~~

Objective 3

To recognise the economic, social and cultural well-being of people, and in particular the rural community, where it depends on, amongst other things, making reasonable use (ie, use that is consistent with the philosophy of this Plan) of land, whilst protecting natural values.

Objective 6

To discourage ~~enable appropriate~~ subdivision, use and development ~~where the adverse effects on areas of Outstanding Natural Features and Landscapes are avoided or mitigated.~~

Policy 1

To promote the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna and other areas of high natural value through the District Plan objectives policies and rules and the resource consent process.

Policy 2

To identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, in accordance with RMA section 6(c), which are significant for one or more of the following reasons:

Consider using ecological criteria from Norton Roper-Lindsay report (as outlined in submission) for assessing significance.

Policy 3

To maintain indigenous biodiversity values having regard to the following matters in determining appropriate subdivision, use and development:

(a) Apply significance criteria as in policy 2 above;

(ba) Actual or potential impacts on the significance of the affected area and on ecological values (including habitat, vegetation and fauna), cultural, intrinsic and/or amenity values, including ecosystem services;

(cb) The ecological sustainability of the habitat or area of vegetation proposed to be modified or damaged or any adjoining habitat or area of vegetation to an area proposed to be affected e.g. percent size.

(de) The representativeness of the affected vegetation or habitat and impact on its inter-relationship or continuity with other habitats or areas of indigenous vegetation.

(ed) Whether the affected area retains the presence of rare or distinctive, threatened or at risk, indigenous flora or fauna species.

(fe) The extent to which the proposal is the minimum disruption possible to the ecological functioning of the ~~necessary to protect~~ significant area of indigenous vegetation and ~~significant~~ habitat of indigenous fauna in question.

(gf) Where the adverse effects cannot be adequately avoided or mitigated, ensuring any residual effects that are more than minor, are offset in a similar ecological context (in accordance with best practice principles) to achieve no 'net loss' of indigenous biodiversity.

(hg) The social and economic benefits to be derived from the use and development of the affected area.

Policy 6

Include

Existing DP 4.8.7.8

Policy 9

Delete and amend

To provide for the creation of esplanade reserves or esplanade strips when subdivisions take place ~~where their creation is deemed necessary~~ in order to protect conservation values, enable public access to or along any sea, river or lake or to enable public recreational use of the reserve or strip and adjacent sea, river or lake where the use is compatible with conservation values.

Landscapes

Policy 10

Include

- Natural science values;
- Intrinsic values;
- Legibility values;
- Aesthetic values
- Transient values;
- Cultural values
- Shared and recognised values; and
- Historic values.

Policy 11

Amend

Amend as follows:

d) The degree of existing modification of the natural feature or landscape from its natural character, where there is no prior modification the priority is to leave it that way.

Existing DP 4.9.4.1. should be substituted for Policy 11.

Explanation

Amend the below provisions as follows:

Policy 2 sets out the criteria that the Council will use to determine 'significant' areas of indigenous vegetation and fauna habitat within the district. To qualify, the site must have values that meet at least one of the '~~representativeness~~', '~~rarity/distinctiveness~~', '~~diversity and pattern~~' and '~~ecological context~~' criteria listed.

Policy 9 allows for the creation of esplanade reserves and strips on subdivisions ~~where their creation is considered necessary~~ in order to meet one or more of the matters identified as the purposes of esplanade reserves and strips in the RMA. These can be set aside for a variety of purposes related to conservation, public access, recreation or protection of water quality. ~~The Council considers that esplanade areas will not be required in all circumstances and therefore retains discretion as to when this will be appropriate.~~ Policy 5 is supported by assessment criteria to guide the Council's decision for creation of esplanade areas (refer Rules on Esplanade Strips and Esplanade Reserves).

Policy 10 sets out the criteria that the Council will use to determine Outstanding Natural Features and Landscapes. However, all of the criteria do not need to be satisfied. The criteria provide direction on the attributes or characteristics that are important in the assessment of an area and require an overall evaluation of the respective values. If an area is considered 'outstanding' in terms of its natural features or landscape, this does not automatically mean that no activity can take place on the site, but that activity must have minimal disturbance.

Policy 11 provides guidance on determining what is appropriate subdivision, use and development. Through objectives, policies, rules and the resource consent process, the proposed activity or development will be assessed to determine the potential effects on the attributes and values of the identified area. Consideration will be given to such matters as the value or significance of the natural feature or landscape, its vulnerability to change and the overall degree of adverse effects. The benefits to be derived from the use or development at the local, regional or national level will also be considered.

Plan Change 142

Retain

Existing DP 4.4.1.1

Retain and amend

Existing DP 4.4.2, 4.4.6.5, 4.4.10.1, 4.4.13.1, 4.4.14.3

Retain

Existing DP 4.4.14.6, 4.4.15.6, 4.4.16.1, 4.4.16.3, 4.4.16.4

General

There needs to be a cap on dairy intensification in Buller, where adverse effects on waterways (point and non-point source), natural character, smell, roadways, visual context are taken into account.

Agriculture in general needs to be addressed in the District Plan.

Amend the below provisions as follows:

Policy 6 provides that development in close proximity to National Parks does

not detract from the valued characteristics of these areas. In general, it is not intended that these provisions will prevent low key development within these areas.

Policy 7 – Characteristics of the “Rural Lifestyle”
 ...
 Low traffic and moderate noise levels (below annoyance levels);
 ...

Explanation
 In rural areas, the environment ~~is both~~ includes natural character, a productive working resource, in terms of land based activities such as farming, forestry, mining and other rural industries, and a living environment for its residents.

Policy 1 recognises that the rural environment has been and continues to be used in many different ways to support and provide for those living in the district, whilst also providing for natural character. The Rural Zone incorporates a productive agricultural environment, where the Council will uphold the amenity standards associated with the normal conduct of farming operations. Potential purchasers of rural land should be aware that typical activities associated with rural areas, such as vehicle and animal noise, smells and other similar activities, are to be expected, within reason.

Plan Change 144
Policy 7
 Connections to reticulated systems where available should not be mandatory.

Other Changes
Amendments
7.9.6. Esplanade Strips and Esplanade Reserves
7.9.6.1. Rules
 7.9.6.1.1. Where any allotment of ~~4ha or more~~ is created when land adjoining the Coastal Marine Area is subdivided, other than as a result of a boundary adjustment, an esplanade strip of 20m shall be set aside in the new lot along the mark of Mean High Water Spring of the sea and along the bank of any river or margin of any lake.
 7.9.6.1.2. Where any allotment of ~~4ha or more~~ is created when land is subdivided, other than applies under 7.9.6.1.1. above, or as a result of a boundary adjustment, an esplanade strip of 20m shall be created from that allotment along the bank of any river or margin of any lake. This requirement for an esplanade strip does not apply where a legal road (formed or not) provides adequate access to the water body. This rule only applies to lakes and rivers as defined in section 230(4) of the Resource Management Act 1991.

015. Frida Inta

<p>Address for service:</p> <p>Frida Inta PO Box 463 Westport 7866</p> <p>Karearea.f@gmail.com</p>	<p>This submission is the same as Submission # 014 – Buller Conservation Group.</p>
--	---

016. Bathurst Resources Limited

<p>Address for service:</p> <p>Bathurst Resources Limited PO Box 5963 Wellington 6145</p> <p>rtacon@bathurstresources.co.nz</p>	<p>Plan Change 135 Retain Part 2.1</p> <p>Plan Change 136 Amend</p> <ul style="list-style-type: none"> • Introduction - to acknowledge that the purpose of the Hazardous
---	---

Substance Act 1996 (HSNO) includes responsibility for protecting the environment

- Explanation – to show that where an applicant has received or would receive HSNO compliance for a facility, then this would also meet the Council consenting requirements for any such facility.

Plan Change 137

Include an additional policy that provides for and enables consideration of ancillary activities along the same criteria as a mining or exploration operation.

Plan Change 139

Retain as drafted but include an additional Policy that enables Port activities to continue within the designated zone.

Plan Change 141

Retain this section but amendment Policy 1 to make it clear that competing interests will be balanced through the resource consenting process.

Plan Change 142

Retain Part 2.8 as proposed by the Plan change.

Plan Change 143

Retain Part 2.9 as proposed by the Plan change.

017. Transpower New Zealand Ltd

Address for service:

Transpower New Zealand Ltd
PO Box 17215
Greenlane
Auckland 1546

Environment.policy@transpower.co.nz

The partial reference to the National Grid with no definition or corresponding objectives and policies creates uncertainty and a potentially disjointed process. Transpower requests two alternative forms of relief to address this. These are either:

1. Delete all references to the NPSET and National Grid within Plan Change 144, with the intention being that the proposed Utilities chapter (or similar) would be the subject of a comprehensive variation to give effect to the NPSET at a later date; or
2. Incorporate a number of refinements as part of the current plan change process in order to properly clarify the regulatory policy context relevant to the National Grid, noting that relevant methods would follow as part of a future plan change or variation.

Transpower's preference is for option 1, where all references to the NPSET are removed from Plan Change 144, and that a full plan change or variation including relevant objectives, policies and rules are notified for comment in a comprehensive manner at a later date.

Transpower's submission seeks:

EITHER

- (i) The relief as set out in the specific;

OR

- (ii) Such other relief to like effect, or to remedy the concerns outlined in the submission, including any relief required to address the concerns recorded under the heading "Summary of Submission" above

AND in relation to both (i) and (ii) above

Any consequential amendments necessary as a result of the amendments to grant the relief sought above.

Plan Change 134

Oppose

Delete paragraphs below

~~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 Council recognises that some of these Objectives may not be fully achieved over the life of this Plan. 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 this Plan are broad in their application, reflecting the high level principles approach adopted, while others are more specific. All Policies (and related Objectives) when read as a whole are designed to promote the sustainable management of resources.

Plan Change 138

Issues

Amend

Add new Issue 2 (and renumber subsequent Issue):

To recognise that some infrastructure, such as the National Grid, may have a functional, operational and / or locational need to be located in areas of natural hazards.

Objective 1

Oppose and amend

Amend as follows:

To avoid or mitigate to an acceptable degree the adverse effects of natural hazards upon human life, infrastructure, property and the natural environment.

Policy 3

Oppose and amend

Delete Policy 3 and replace with:

The placement of new network utilities, regionally significant infrastructure (including the National Grid) and its subsequent operation, maintenance and upgrading in an area known to be susceptible to natural hazards must be avoided, unless the critical infrastructure:

- a) will not be adversely affected to an unacceptable degree by the natural hazard, including through appropriate design
- b) will not cause more than minor adverse effects on the environment in the event of a natural hazard event,
- c) is unlikely to cause an increase in the scale or intensity of natural hazard events, and

cannot reasonably be located in an alternative location, taking into account technical and operational constraints of network utilities and regionally significant infrastructure, including the National Grid.

Plan Change 141

Objective 6

Support

Policy 11

Support

Plan Change 144

Relief Option 1

Entire Plan Change

Remove all references to the NPSET and the National Grid within the explanatory text.

Relief Option 2
Section Title 2.10

**Oppose and amend
Either**

Amend title of section and all relevant references to “utilities” to state **“Network Utilities”** consistent with the existing operative district plan definition of “Network Utilities”,

Or

Delete existing definition of Network Utilities and replace with new definition of “Utilities” to provide proper clarification and interpretation of how the objectives, policies and subsequent rules shall be applied.

Entire Plan Change

Add definitions as listed below

Include supplementary definitions to clarify the scope of the plan change to various utilities activities, as set out below

Add “National Grid”: Means same as in the National Policy Statement on Electricity Transmission 2008.”

Add “National Grid Subdivision Corridor”:

Means the area measured either side of the centreline of above ground National Grid Lines (NB) see diagram under definition of National Grid Yard) as follows:

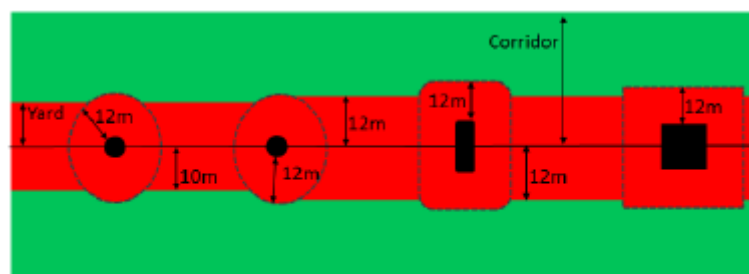
- 14m for 110kV lines on single poles;
- 32m for 110kV lines on towers; and
- 37m for 220kV lines on towers.

Note: the National Grid Corridor and Yard do not apply to underground cables or any transmission lines (or sections of lines) that are designated.

Add “National Grid Yard”:

Means:

- the area located 12 metres in any direction from the outer edge of a National Grid support structure; and
- the area located 10 metres either side of the centreline of an overhead 110kV National Grid line on single poles; or
- the area located 12 metres either side of the centreline of any overhead National Grid line on pi poles or towers.



LEGEND

— Centreline ● Single Pole ■ Pi Pole ■ Tower

Add “Regionally significant infrastructure”

Add Reverse Sensitivity”:

When existing activities are affected by new uses establishing that may have sensitivity to, and subsequently complain about, the effects of the existing activity; and seek to limit the ability of the existing activities to continue. A common example is new residential development establishing next to farming or industrial operations, which can lead to

the new residents complaining about noise, odour or other nuisance effects from those established activities.

Add “Sensitive Activities”

Means those activities that are particularly sensitive to the National Grid. Such activities are residential activities, childcare and preschool facilities, schools and healthcare facilities.

Issue 1

Support in part

Amend

~~The development, operation, maintenance and upgrading of network utilities, and regionally and nationally significant infrastructure supports the have important functions and enable people and communities to provide for their economic, social and cultural well-being, and their health and safety of the district; however they recognising that this infrastructure can have may create adverse effects on the environment, often due to technical, operational and location specific requirements~~

Objective 1

Oppose amend

~~To Recognise and provide for the safe, efficient and sustainable development, operation, maintenance and upgrading of network utilities and regionally significant infrastructure including the National Grid, to meet the needs of the district, in a manner which avoids, remedies or mitigates adverse effects on the environment.~~

Objective 2

Oppose and amend

~~To Protect network utilities and regionally significant infrastructure, including the National Grid, by avoiding the establishment of land use activities and development that could from the adversely effects of incompatible subdivision, land use and development. (including through reverse sensitivity) their operation, maintenance, upgrading and development.~~

Policy 1

Support and amend

To have regard to the positive social, economic and environmental benefits that accrue nationally, regionally and locally from the establishment, development, continued operation, maintenance and upgrading of network utilities and regionally significant infrastructure, including the National Grid.

New Policy 2

Oppose and amend

Add new Policy 2 (and re-number subsequent policies):

To enable the establishment, operation, maintenance, replacement, upgrading and development of network utilities and infrastructure of regional and national significance, including the National Grid.

New Policy 3

Add new Policy 3 (and re-number subsequent policies)

Avoid, remedy or mitigate the adverse environmental effects arising from the construction, operation, maintenance, upgrading and development of network utilities and regionally significant infrastructure, including the National Grid.

New Policy 4

Add

Consider the locational, technical and operational requirements of network utilities and regionally significant infrastructure including the National Grid, and the contribution they make to the functioning and wellbeing of the community and beyond in assessing their location, design and appearance.

Policy 3

Oppose

Delete Policy 3

Policy 4

Oppose and amend

To avoid, or where appropriate, remedy or mitigate reverse sensitivity effects from subdivision, use and development on utilities and regionally significant infrastructure to ensure the safe, secure and efficient operation of such network utilities and infrastructure (excluding the National Grid).

New Policy 5

Add new Policy 5 (and re-number subsequent policies)

Manage the effects of subdivision, development and land use on the safe and efficient operation, maintenance, upgrade and development of the National Grid by ensuring that:

- (a) National Grid Yards and Corridors are established in the Plan to ensure appropriate buffer distances for managing subdivision and land-use development near the National Grid lines and support structures;
- (b) Sensitive activities and inappropriate large scale buildings and structures, including those associated with factory farming activity are excluded from establishing within National Grid Yards;
- (c) Subdivision is managed within National Grid Corridors to ensure the proposed sites and associated building platforms are designed so as to avoid subsequent restrictions on the operation, maintenance, upgrading and development of the National Grid; and
- (d) Changes to existing activities within a National Grid Yard or Corridor do not restrict the operation, maintenance, upgrading and development of the National Grid.

Plan Change 145

Proposed Electricity Rules

Amend

Support the following paragraph subject to the introduction of a “National Grid” definition:

“All electricity transmission activities affecting the National Grid assets existing as at 14 June 2010 must comply with the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (the Regulations). Except as provided for by the Regulations or the RMA, no rules in this Plan apply to such activities.”

Entire Plan Change

Add

Add definition of “Electricity Utilities”

018. Solid Energy New Zealand Limited (subject to Deed of Company arrangement)

Address for service:

Solid Energy New Zealand Limited
(subject to Deed of Company
arrangement)
PO Box 1303
Christchurch 8140

Ruth.bartlett@solidenergy.co.nz

Plan Change 136

Policy 1

Amend to read

Activities and facilities involving the use and storage of hazardous substances shall be designed, located, constructed and operated so as to manage the risk to people and the environment to a level that is appropriate to the intended activity or facility ~~minimise risk to people and the environment.~~

Plan Change 137

Introduction

Request that the difference between the two types of licence/permit be stated in the introduction for the avoidance of doubt about the jurisdiction of the Buller District Plan.

General

That proposed Plan Changes 133-145 be accepted as written, with the exception of the matters noted in the submission.

019. Oceana Gold (New Zealand) Limited

Address for service:

Oceana Gold (New Zealand)
Limited
PO Box 5442
Dunedin 9058

Jackie.stjohn@oceanagold.com

Plan Change 134

Support and Retain

Plan Change 135

Policy 1

Partial Support

Clarify the policy to identify whether there is a priority ranking for the criteria or how the criteria are meant to be balanced against one another when a determination is made on 'significance' and whether or not an item will be recorded in the Plan.

Policy 3

Support and Retain

Policy 4

Partial Support

Amend

Amend as follows:

To provide for the ongoing, viable use, including adaptive reuse and economic viability, of heritage items where that is practicable.

Plan Change 136

Objective 1

Support and Retain

Objective 2

Support and Retain

Policy 1

Support and Retain

Policy 2

Partial support

Consider amendment to clarify what 'appropriate levels' are.

Plan Change 137

Issue 1

Support and Retain

Issue 2
Support and Retain

Objective
Support and Retain

Policy 1
Partial support
Amend

Amend as follows:

To acknowledge the importance of known mineral resources in the district by, ~~where appropriate, discouraging the establishment of activities or developments that may~~ are likely to compromise access to these mineral deposits. ensuring that these mineral deposits are protected from less productive competing uses or incompatible uses.

Policy 2
Support and Retain

Policy 3
Support and Retain

Policy 4
Partial support
Amend

Amend as follows:

Where practicable to ensure that during and after mineral exploration and extraction activities, sites are progressively rehabilitated to enable the establishment of a land use appropriate to the area.

Plan Change 138
Policy 3
Support and Retain

Plan Change 141
Issue 1
Support and Retain

Objective 1
Partial support
Amend

Amend as follows:

To enable appropriate subdivision, use and development within areas of significant vegetation and significant habitats of indigenous fauna, where indigenous biodiversity is managed so that it is maintained, or adverse effects are remedied mitigated or compensated.

Objective 2
Partial support
Amend

Amend as follows:

To enable appropriate subdivision, use and development of waterbodies, wetlands and their margins where adverse effects on significant natural character, ecological, recreational, amenity, and cultural values are avoided, ~~or mitigated~~ or compensated.

Objective 3
Support and Retain

Objective 6

Partial support

Amend

Amend as follows:

To enable appropriate subdivision, use and development where the adverse effects on areas of Outstanding Natural Features and Landscapes are avoided, ~~or~~ mitigated or compensated.

Policy 1

Support and Retain

Policy 2

Partial support

Amend

Amend as follows:

To identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, which are significant for ~~one or more~~ all or a number of the following reasons:

Policy 3

Partial support

Amend

Amend as follows:

f) Where the adverse effects cannot be adequately avoided or mitigated, ensuring any residual effects that are more than minor, are compensated or offset in a similar ecological context, where possible, (in accordance with best practice principles) to achieve no 'net loss' of indigenous biodiversity.

Policy 4

Support and Retain

Policy 6

Partial Support

Amend:

To avoid, ~~or~~ mitigate or compensate the adverse effects of subdivision, use and development, ~~that would detract from or compromise on~~ significant natural character, ecological functioning, recreational, amenity and cultural values of waterbodies, wetlands and their margins.

Policy 10

Partial support

Amend

Amend as follows:

To identify Outstanding Natural Features and Landscapes of the district, which contribute to the distinctive character and visual amenity of the district, through consideration of exceptional biophysical, sensory and associative values of high significance including: ...

Additionally:

clarify the policy to identify whether having just one value equates to 'outstanding', whether there is a priority ranking for the values or how the values are meant to be balanced against one another; classify and map identified ONF and ONL in the Plan.

Policy 11

Support and Retain

	<p>Further Relief Sought Any similar relief with like effect which addresses OceanaGold's concerns. Any consequential amendments which arise from OceanaGold's submission or the relief sought.</p>
020. Brian Patrick and Caroline Anne Jones	
<p>Address for service:</p> <p>B P & C A Jones 4300 Karamea Highway RD 3 Karamea 7893</p> <p>Cb.jones@farmside.co.nz</p>	<p>Support the submission lodged by the Federated Farmers.</p>
021. Rural Contractors New Zealand Inc	
<p>Address for service:</p> <p>Rural Contractors New Zealand Inc c/- Environmental Management Services Ltd PO Box 97431 Manukau 2241</p> <p>Graeme.mathieson@emslimited.co.nz</p>	<p>Retain the provisions, except to the extent that specific changes are made in accordance with the relief sought in this submission and any further submission by RCNZ.</p> <p>Where specific relief is sought, RCNZ would accept words to like effect or as otherwise may be required to ensure sustainable management.</p> <p>Plan Change 134 Section 2 Support Retain Section 2</p> <p>Plan Change 142 Objective 1 Support in Part Amend Amend as follows: To provide for a range of activities that maintain the amenity and rural character values of the rural environment, while recognising that parts of the rural environment are also a productive working environment, <u>and that some activities have a functional need to locate in rural areas (e.g. rural service activities such as rural contractor depots).</u></p> <p>Policy 1 Amend Amend as follows: To provide for a wide range of activities within the Rural Zone while ensuring that rural areas remain productive, <u>unless there is a functional need for the activity to locate in rural areas (e.g. rural service activities such as rural contractor depots).</u></p> <p>Policy 3 Amend Amend as follows: To enable a range of activities to occur within rural areas while maintaining <u>rural</u> character and amenity values by ensuring that the scale and siting of development: (a) Maintains a dominance of open space and plantings over buildings; (b) Maintains privacy and rural outlook for residential dwellings; (c) Achieves an appropriate level of compatibility with existing development and/or the surrounding area; (d) Avoids, remedies or mitigates <u>significant adverse effects</u> on the</p>

	<p>amenity of existing residential activities being exposed to noise and adverse light emissions at night; and</p> <p>(e) Minimises <u>Avoids, remedies or mitigates significant</u> adverse visual effects if sited on prominent ridges or immediately adjacent to public roads.</p> <p>Policy 4 Support in Part Amend Amend as follows: To recognise that the rural environment may be the most appropriate location for some <u>rural service activities (e.g. rural contractor depots) and utility, industrial or commercial uses to establish, provided any significant adverse environmental effects on the character and amenity of the rural environment is maintained</u> <u>are avoided, remedied or mitigated.</u></p> <p>Policy 5 Support Retain</p>
--	---

022. Aggregate and Quarry Association of New Zealand (AQA)

<p>Address for service:</p> <p>AQA c/- Environmental Management Services Ltd PO Box 97431 Manukau 2241</p> <p>Graeme.mathieson@emslimited.co.nz</p>	<p>Retain the provisions, except to the extent that specific changes are made in accordance with the relief sought in this submission and any further submission by RCNZ.</p> <p>Where specific relief is sought, RCNZ would accept words to like effect or as otherwise may be required to ensure sustainable management.</p> <p>Plan Change 134 Section 2 Support Retain Section 2</p> <p>Plan Change 137 Introduction Support in Part Amend the second sentence in the second paragraph as follows: However, mineral are included is “sustainability” as it applies to avoiding, remedying or mitigating any <u>significant</u> adverse effects on the environment.</p> <p>Issue 1 Support in Part Amend Amend as follows: To <u>ensure there is a sustainable supply of mineral resources within the district and</u> enable mineral extraction activities which contribute to provide for the economic, and social <u>and cultural</u> well-being of the district.</p> <p>Issue 2 Support in Part Amend Amend as follows: Without adequate controls, mineral extraction activities can <u>have significant adverse effects on</u> adversely affect the natural landscape, ecosystems and amenity values of the district.</p>
--	---

Objective

Support in Part

Amend

Amend as follows:

~~To ensure there is a sustainable supply of mineral resources within the district~~ To enable people and communities to provide for their economic, social and cultural wellbeing, with associated mineral extraction activities undertaken that provide economic and social benefits to the community, in a manner that avoids, remedies or mitigates significant adverse effects on the environment.

Policy 1

Support in Part

Amend

Amend as follows:

Policy 1 – ~~Known~~ Significant Mineral Resources

~~Council will work with the regional council, industry representatives and other relevant agencies to identify and map the location of significant mineral resources for future use, and will~~ To acknowledge the importance of known mineral resources in the district by, where appropriate,

~~discouraging the establishment of activities or developments that are likely to compromise access to these mineral resources deposits.~~ Mineral resources will be considered significant based on the following:

- a) Relative scarcity; and
- b) Potential contribution to the regional economy from the extraction; and
- c) Current and potential demand, and location with respect to demand;
and
- d) Constraints on extraction including existing or planned settlement and access to the site; and
- e) Constraints on other development and land use as a result of extraction; and
- f) Quality and size of deposit; and
- g) Importance to infrastructure development.

Policy 2

Support in Part

Amend

Amend as follows:

~~To manage~~ The efficient investigation, extraction, processing and transportation of the District's mineral resources will be provided for and enabled, while ensuring that mineral extraction activities in order to ensure that operations avoid, remedy or mitigate significant adverse effects on the ecological, landscape, heritage and amenity values of surrounding areas and on the amenity values of existing residential areas.

Policy 3

Support in Part

Amend

Amend as follows:

~~To manage conflicts between the effects of mineral extraction activities and other land uses by ensuring~~ new development and sensitive activities are located so that: activities that are incompatible with the effects of mineral extraction activities are not established close to existing extractive activities.

- Reverse sensitivity effects are avoided on mineral extraction activities (either legally operating or consented for future use); and
- Access is retained to areas identified by Council as containing

significant mineral resources and reverse sensitivity effects are avoided on future use of those areas for mineral extraction activities.

Policy 4

Support in Part Amend

To ensure that during and after mineral exploration and extraction activities, sites are progressively rehabilitated to enable the establishment of a land use appropriate to the area where practicable.

Explanation

Support in Part Amend

Amend the first sentence of the fourth paragraph as follows:

Policy 3 provides for controls over the location of sensitive activities in relation to existing or future mineral extraction activities operation, as competing land use activities can have the effect of making a mineral resource unattainable.

Consequential change - Part 10

(Definitions) –New definition for “mineral extraction activities”

Support in Part

In Part 10 (Definitions), include the following definition for mineral extraction activities”:

Mineral Extraction Activities include:

- (a) prospecting and exploration activities;
- (b) blasting;
- (c) taking, winning, or extraction by whatever means, of a mineral existing in its natural state in land, or a chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance, including quarrying;
- (d) processing plants;
- (e) storing, distributing and selling mineral products;
- (f) ancillary earthworks;
- (g) removing and depositing overburden;
- (h) treating stormwater and waste water;
- (i) landscaping and rehabilitation works including cleanfilling;
- (j) site offices;
- (k) accessory buildings and structures; and
- (l) ancillary residential accommodation for caretaking and on-site security.

Consequential change - Part 10

(Definitions) –New definition for “sensitive activities”

In Part 10 (Definitions), include the following definition for “Sensitive Activities”:

Sensitive Activities include:

- (a) Buildings used for residential activities, including boarding establishments, homes for elderly persons, retirement villages, in-house aged care facilities, hotels and motels, and other buildings used for residential accommodation; and
- (b) Marae; and
- (c) Hospitals; and
- (d) Educational facilities including early childhood education and childcare facilities.

Plan Change 140

Objective 1

Support in Part

Amend

Amend as follows:

To enable appropriate subdivision, use and development where significant adverse effects on the natural character of the district's coastal environments can be avoided, remedied or mitigated.

Policy 2

Support in Part

Amend

Amend as follows:

To manage the scale, location and design of subdivision, use and development in the coastal environment and determine its appropriateness based on the following:

- (a) The extent of existing modification and likely potential modification of natural character as a result of the proposed activity.
- (b) The presence of significant indigenous vegetation or significant habitats of indigenous fauna.
- (c) The presence of historic heritage or cultural values including those of significance to Maori.
- (d) The sensitivity of the area to adverse visual impacts of development.
- (e) Whether the activity maintains public access and recreational opportunities.
- (f) Whether the activity has a functional need to be located in the coastal environment.
- (g) Whether significant adverse environmental effects can be avoided, remedied or mitigated. ~~Avoidance, remediation or mitigation of actual or potential effects.~~
- (h) The cultural, social and economic benefits to be derived from the use and development.

Plan Change 141

Objective 2

Support in Part

Amend

Amend as follows:

To enable appropriate subdivision, use and development of waterbodies, wetlands and their margins where significant adverse effects on significant natural character, ecological, recreational, amenity, and cultural values are avoided, remedied or mitigated.

Objective 6

Support in Part

Amend

Amend as follows:

To enable appropriate subdivision, use and development where the significant adverse effects on areas of Outstanding Natural Features and Landscapes are avoided, remedied or mitigated.

Policy 1

Support in Part

Amend

Amend as follows:

Policy 1 (~~Protection~~ Management through the resource consent process)
To promote the maintenance ~~protection~~ of values of areas of significant indigenous vegetation and significant habitats of indigenous fauna

through the resource consent process.

Policy 4

Support in Part

Amend

Amend as follows:

To recognise the need for land use and development to function efficiently and effectively while ensuring that any significant potential adverse effects on areas of significant indigenous vegetation and/or significant habitats of indigenous fauna are avoided, remedied or mitigated.

Include the following new Policy:

Policy 4A (Mineral Extraction Activities)

To recognise that mineral extraction activities may be appropriate within areas of significant indigenous vegetation and/or significant habitats of indigenous fauna if there are no suitable and economically feasible alternative sites available, subject to adequately avoiding, remedying or mitigating significant adverse environmental effects (including through offsetting).

Policy 6

Support in Part

Amend

Amend as follows:

Policy 6 (~~Protection~~ Management of Waterbodies, Wetlands and their Riparian Margins)

To avoid, remedy or mitigate the significant adverse effects of subdivision, use and development, that would detract from or compromise significant natural character, ecological functioning, recreational, amenity and cultural values of waterbodies, wetlands and their margins.

Include the following new Policy:

Policy 6A (Managing Gravel Resources)

To enable and manage the extraction of fluvial gravel resources from waterways to reduce the potential for flooding and erosion and to provide for the district's continued economic growth, subject to avoiding, remedying or mitigation significant adverse effects on the natural character, ecological, cultural and amenity values of waterways and their margins.

Plan Change 142

Objective 1

Support in Part

Amend

Amend as follows:

To provide for a range of activities that maintain the amenity and rural character values of the rural environment, while recognising that parts of the rural environment are also a productive working environment, and that some activities have a functional need to locate in rural areas (e.g. mineral extraction activities).

Policy 1

Support in Part

Amend

Amend as follows:

To provide for a wide range of activities within the Rural Zone while ensuring that rural areas remain productive, unless there is a functional

	<p><u>need for the activity to locate in rural areas (e.g. mineral extraction activities).</u></p> <p>Policy 3 Support in Part Amend Amend as follows: To enable a range of activities to occur within rural areas while maintaining <u>rural</u> character and amenity values by ensuring that the scale and siting of development:</p> <ul style="list-style-type: none"> (a) Maintains a dominance of open space and plantings over buildings; (b) Maintains privacy and rural outlook for residential dwellings; (c) Achieves an appropriate level of compatibility with existing development and/or the surrounding area; d) Avoids, remedies or mitigates <u>significant adverse</u> effects on the amenity of existing residential activities being exposed to noise and adverse light emissions at night; and (e) Minimises <u>Avoids, remedies or mitigates significant</u> adverse visual effects if sited on prominent ridges or immediately adjacent to public roads. <p>Policy 4 Support in Part Amend Amend as follows: To recognise that the rural environment may be the most appropriate location for some <u>mineral extraction activities and</u> utility, industrial or commercial uses to establish, provided <u>any significant adverse environmental effects on</u> the character and amenity of the rural environment is maintained <u>are avoided, remedied or mitigated.</u></p> <p>Policy 5 Support in Part Amend Amend as follows: To ensure that lawfully established and/or consented activities <u>or areas identified by Council as containing significant mineral resources</u> are not unreasonably compromised by the proximity of sensitive neighbouring activities.</p>
023. Richard Arlidge	
<p>Address for service:</p> <p>Richard Arlidge 1 Hartmount Place Punakaiki CMB 3 RD 1 Runanga 7873</p> <p>Whitecube1@gmail.com</p>	<p>Plan Change 138 Introduction Review the fourth paragraph. Clarify what the “current predictions” referred to are.</p> <p>Issue 2 The District Plan document should now acknowledge that climate change is affecting existing natural hazards and the science predicts ongoing sea level rises in the near future.</p> <p>General The Buller District Plan must address the emerging issues in relation to climate change.</p> <p>Plan Change 139 Scenically Sensitive Residential Zone The District Plan should clearly define the character and amenity value of the area.</p>

	<p>The area of freehold land that is in this Zone needs to have a range of controls on the clearing of vegetation, removal of mature trees and building footprints.</p> <p>Seek a consensus amongst Hartmount and Ross Place and surrounding land owners to create a new set of controls.</p> <p>Address land use and zoning in Punakaiki.</p> <p>Policy 6 Amend Provide for controls and limits to non-residential activities, any visitor accommodation needs to be on a residential scale and the total number of beds per room per property needs to be limited.</p>
--	--

024. Stevenson Mining Limited

<p>Address for service: Stevenson Mining Limited c/- Landpro PO Box 302 Cromwell 9342 martina@landpro.co.nz</p>	<p>Generally supports proposed District Plan changes as notified, particularly Plan Change 137, which relates to mineral resources in the Buller District.</p>
--	--

025. Heritage New Zealand

<p>Address for service:</p> <p>Heritage New Zealand PO Box 4403 Christchurch 8140</p> <p>MVincent@heritage.org.nz</p>	<p>Plan Change 135 All of Plan Support with amendment That the proposed plan is amended: Category I and Category II to <u>Category 1 and Category 2.</u></p> <p>Introduction Support in Part Amend Introduction to provide commentary on the function and use of historic heritage resources, including Maori heritage, and the opportunities it provides for the community.</p> <p>Issue Support in Part Amend Amend as follows: To achieve the management and protection of historic heritage <u>items</u> and sites of cultural value from inappropriate subdivision, use and development while ensuring that new possibilities and new uses of those <u>items and sites are not constrained in a way that impedes are encouraged</u> while contributing to the social, cultural and economic well-being of communities.</p> <p>Objective Support in Part Amend Amend as follows: To identify examples of buildings, sites and structures that reflect <i>Historic heritage is identified, protected and conserved recognising the important contribution it makes</i> to the district's heritage and cultural values., and to provide for the management of those resources</p> <p>Historic heritage is managed in a way that sustains the social, cultural and economic well-being of communities <i>which:</i> <i>a: provides for the ongoing and adaptive reuse of historic heritage,</i> <i>b: is sensitive to heritage and cultural values</i></p>
---	--

c: provides for the well-being of the community.

Policy 1

Support with amendment

Amend as follows:

~~Scheduling~~ Recording of Significant Heritage Buildings, Sites and Structures.

To identify and record schedule in Part 14 buildings, sites and structures of significant heritage value, according to the following criteria.....

Adopt the proposed significance criteria.

Policy 2

Support with amendment

Amend as follows:

~~Scheduling~~ Recording of Sites of Significant to Maori.

To identify and record schedule, in consultation with tangata whenua, sites of significance to Maori in a manner which will ensure that they are respected and protected.

Policy 3

Support with amendment

Heritage items in the Plan should be referred to as being 'scheduled' rather than 'listed' to avoid any confusion and provide certainty to users of the Plan.

Amend as follows:

To evaluate, in any application for resource consent in relation to a building, site or structure recorded scheduled in this Plan, the values the item(s) are listed scheduled for.

Where the scheduled item is entered on the New Zealand Heritage List / Rāranqi Kōrero consult with Heritage New Zealand.

Policy 3

Oppose in Part

Amend

Amend as follows:

To evaluate, in any application for resource consent in relation to a building, site or structure recorded scheduled in this Plan, the values the item(s) are listed scheduled for, and the extent to which the proposed activity will impact on these values. ~~provide for the economic, social and cultural well-being of the affected community~~

Policy 4

Support in Part

Amend

Amend as follows:

To provide for the appropriate repair, maintenance, ongoing use, ~~viable use, including~~ and adaptive reuse and ~~economic viability~~ of heritage items.

Include the following in the matters to be considered:

- Whether the proposed works is consistent with retaining or maintaining heritage values.
- Whether the level of intervention and solutions will meet other statutory requirements such as the Building code or Building Act.
- Preparation of a heritage assessment of conservation plan and for works to proceed according to a heritage assessment or conservation

plan for Category 1 items.

- Preparation of specialist reports, such as an engineering assessment.
- The preparation of a temporary protection plan.
- All changes should be fully documented in drawings and photographs.

Interventions involve the least possible loss of heritage significance and the least loss of material of heritage value.

New Policy

Include new policy as follows:

Enable works such as earthquake strengthening and fire protection required to comply with sections 112 and 115 of the Building Act 2004 that affects a protected part of a scheduled building, taking into account the reason for which it was scheduled.

New Policy

Include new policy as follows:

Identify known archaeological sites on Planning Maps, in addition to those recognised in the historic heritage schedule.

The following advice note on the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 is included within the Chapter:

All archaeological sites (whether recorded or unrecorded) are protected under the provisions of Section 42 of the Heritage New Zealand Pouhere Taonga Act 2014 and cannot be modified or destroyed or caused to be modified or destroyed without obtaining an authority from Heritage New Zealand Pouhere Taonga

New Policy

Include new policy as follows:

Provide for subdivision of items scheduled in Part 14, where the effects of subdivision do not compromise the heritage setting and values of the item.

Ensure that any future land use or development does not obscure the principle heritage item from adjoining public places, as far as practicable.

New Policy

Support

Include new policy as follows:

Restrict the full demolition or destruction of any Category 1 and 2 item in Part 14 having regard to the following matters:

- Whether the building or part of a building poses a risk to safety or property
- Consideration of reasonable alternatives to full demolition including relocation and temporary stabilising for future use.
- Feasibility of adaptive re-use
- Compatibility and appearance of any replacement building in relation to streetscape character and heritage values

Historic Heritage values

Neutral

That the Plan provides cross reference to Historic heritage and Maori heritage values throughout the Chapters of the Plan where appropriate.

026. Paul Thomas

Address for service:

Paul Thomas
28 Broadway
Reefton 7830

paulthomasreefton@icloud.com

Plan Change 135

Support

Implement Plan Change 135.

Plan Change 139

Support in Part

Implement Plan Change 139.

Policy 4 – Commercial Areas

Amend

Amend Heritage Character of Reefton Town Centre to include adjoining side streets, and to ensure as much as possible the retention of the heritage character of the town centre.

To encourage sensitive repair, restoration and adaptation of heritage buildings and to avoid loss of heritage buildings.

To ensure with any new development that design, scale, location and layout in the Commercial Zone and adjoining side streets is compatible with the historic character of those areas.

Building design guidelines should be developed.

Plan Change 143

Policy 5

To support the district's rail network as a vital strategic and economic link.

027. Westpower Limited

Address for service:

Westpower Limited
c/- Westpower Limited
6 Dowling Road
Greymouth 7805

MartinK@xtra.co.nz

Westpower requests that the Buller District Council considers aligning the Policy and Plan making process to ensure coordinated, efficient and effective processes and outcomes and ensures that the outcomes of the PWCRRS process are given affect to in the PBDPC 133 – 145.

Plan Change 133

Introduction

1.1 Purpose

- (i) That an explanation be provided with respect to the Councils intention to rely solely on regulation in fulfilling its functions, including why this is the most appropriate method to fulfil resource management functions related to the District.
- (ii) That an explanation be provided as to how it is proposed to monitor the effectiveness and efficiency of the Objectives, Policies and Rules as required under Section 35 of the Act.

Plan Change 134

That 2.10 Utilities is amended to read, "2.10 Network Utilities and Regionally Significant Infrastructure".

Consequentially, and to assist users and enable consistent interpretation of these terms throughout the document, new definitions are added to Part 10 Definitions of the Buller District Plan to read;

"**Network Utilities** includes telecommunication, electricity operation, distribution and generation, water supply, drainage and sewage systems roads, railways and airports." for completeness those matters included in the existing definition of Network Utilities in the Plan should be added to this list,

and

"**Regionally Significant Infrastructure** means:

- a) 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;
b) 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;
c) pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas.
d) the road and rail networks as mapped in the Regional Land Transport Plan;
e) the Westport, Greymouth, and Hokitika airports;
f) the Regional Council seawalls, stopbanks and erosion protection works;
g) telecommunications and radio communications facilities;
h) public or community sewage treatment plants and associated reticulation and disposal systems;
i) public water supply intakes, treatment plants and distribution systems;
j) public or community drainage systems, including stormwater systems; and
k) the ports of Westport, Greymouth, and Jackson Bay.
l) Westpower owned and/or operated electricity supply, transmission and distribution networks and including all associated assets, lines and cables, infrastructure, substations, systems and works for the purpose of supply and conveyance of electricity."

Objectives and Policies, Paragraph 8, pg 7

Amend the first sentence of paragraph 8 to read,
"Policies provide either guidance (ie should) or direction (ie. shall or must) in terms of a course of action ..."

Plan Change 136

Objective 1 - Hazardous Substances

Amend Objective 1 to read, "The management of subdivision, land use and development activities involving hazardous substances to ensure risk to people and the environment is minimised."

Policy 1

Amend Policy 1 to read, "... so as to avoid, remedy or mitigate potential adverse effects on the environment."

Plan Change 137

Policy 1

Amend to read, "To acknowledge or developments, other than network utilities and regionally significant infrastructure, that are likely to ..."

Amend the explanation (2nd paragraph, pg 17) to reflect this amendment and achieve consistency with the Proposed West coast Regional Policy Statement.

Policy 2

Amend to read, "To manage ..., heritage, network utilities and regionally significant infrastructure, and amenity values ..."

Amend Issue 2 and the Introduction (4th paragraph) and the explanation (3rd paragraph, pg17) accordingly to provide for these matters.

Plan Change 138

Policy 3

Add a definition to the District Plan to the effect that;

"Infrastructure means network utilities and regionally significant infrastructure." or change the term to "Network Utilities and Regionally Significant Infrastructure."

Policy 4

Add a new Policy 4 to read,

"Policy 4 - Network Utilities and Regionally Significant Infrastructure Recognise and provide for network utilities and regionally significant infrastructure to be located within areas affected by natural hazards where there is a functional, technical or operational need or requirement."

Add an explanation to that effect which is similar to the existing explanation for Policy 5.

Amend existing Policies 4 and 5 to be Policies 5 and 6 respectively.

Policy 5

Amend to read, "To manage ... demonstrate; ...

(b) there is a functional, technical or operational requirement for the proposed location"

It is noted that the explanation for Policy 5 refers to "Infrastructure" which should be defined as set out in the above submission to Policy 3.

Plan Change 139

Introduction

That a new paragraph 5 be inserted to read, "Network Utilities and Regionally Significant Infrastructure play a vital role in the servicing of both current settlements and the potential for growth of those settlements. The importance of such activities to the zones encompassing the built environment needs to be recognised and provided for, including ensuring an ongoing ability for access, development, operation, upgrade and maintenance."

Policy 2

Amend Policy 2 to read, "To impose ... on subdivision, land use and development in the residential areas heritage values, and ensures that there are no adverse effects on the functional, locational, technical, functional and operational requirements of Network Utilities and Regionally Significant Infrastructure."

Amend the explanation at pg 23-24 to reflect these amendments.

Policy 2

Amend Policy 2 to read, "To impose ... on subdivision, land use and development in the commercial areas and do not create adverse effects either:

(i) beyond residential areas, or

(ii) on the functional, locational, technical, functional and operational requirements of Network Utilities and Regionally Significant Infrastructure."

Amend the explanation at pg 25 to reflect these amendments.

Policy 2 - Performance Standards

Amend Policy 2 to read, "To impose ... on subdivision, land use and development in the Industrial Zones that protects:

(i) the amenity values of surrounding commercial, rural areas, and

(ii) Network Utilities and Regionally Significant Infrastructure from adverse effects on their functional, locational, technical, functional

and operational requirements.

Amend the explanation at pg 26 to reflect these amendments.

Plan Change 140

Introduction

That a new paragraph 5 be inserted to read, "Network utilities and Regionally Significant Infrastructure play a vital role in the servicing of district and the potential for growth of the district. Given the extent of the coastal environment, topography, and the location of settlements and communities such activities will by necessity be located within the Coastal Environment. Access to, development, operation, maintenance and upgrade of such infrastructure needs to be recognised and provided for, including ensuring an ongoing ability to undertake these activities."

Objectives

Add a new Objective 3 to read, "To recognise the need for access to, and the development, operation, maintenance and upgrade of, Network Utilities and Regionally Significant Infrastructure in the Coastal Environment and that it may not be practicable to completely avoid or mitigate adverse effects due to functional, locational, technical and operational requirements."

Policy 1

Amend Policy 1 to read, "To impose ... on subdivision, land use and development in the coastal environment ... amenity values, and ensures that there are no adverse effects on the functional, locational, technical, and operational requirements of Network Utilities and Regionally Significant Infrastructure."

Amend the explanation at pg 29 to reflect these amendments.

Policy 2

Amend Policy 2 to read, "To manage ...

(g) Whether ... functional, locational, technical, and operational need to be ..."

Amend the explanation at pg 29 accordingly.

Policy 2

Amend Policy 2 by adding a new assessment matter to read, "To manage ...

(j) any existing or planned Network Utilities or Regionally Significant Infrastructure, including the functional, locational, technical, and operational requirements of that infrastructure"

Amend the explanation at pg 29 accordingly.

Policy 3

Amend Policy 3 to read, "Public access.. necessary to;

(i) ensure public safety, or

(ii) provide for the effective and efficient operation, maintenance and upgrade of Network Utilities and Regionally Significant Infrastructure, or

(iii) avoid adverse

Amend the explanation at pg 29 accordingly.

Plan Change 141

Issue 1

Support Issue 1

Objective 1

Amend Objective 1 to read, "To enable where significant indigenous biodiversity values are maintained."

Amend the explanation at pg 35 accordingly.

Objectives

Add new Objective 7 to read, "To Recognise that there can be a need for Network Utilities and Regionally Significant Infrastructure to locate within areas canvassed by Objectives 1-6 for functional, locational, technical and operational reasons and that it may not be possible to completely avoid or mitigate adverse effects."

Amend the explanation at pg 35 accordingly.

Policy 1

Amend Policy 1 to read, "To promote ... of the values of identified areas of ..., whilst recognising that there may be instances where it may not be possible for Network Utilities and Regionally Significant Infrastructure to completely avoid or mitigate adverse effects for functional, locational, technical and operational reasons."

Amend the explanation at pg 35 accordingly.

Policy 2

Amend Policy 2 to read, "To identify areas fauna in the District Plan, which are significant based on values identified through one or more of the following criteria:"

Amend the explanation at pg 35 accordingly.

Policy 3

(i) **Amend** Policy 3 to read, "To maintain significant indigenous biodiversity values ..."

(ii) **Amend** Policy 3 to add a new matter (h) to read, "... use and development:

(h) The functional, location, technical and operational requirements of Network Utilities and Regionally Significant Infrastructure."

Amend the explanation at pg 35 accordingly.

Policy 5

Amend Policy 5 to read, "To provide biodiversity as permitted activities."

Amend the explanation at pg 35 accordingly.

Policy 6

Amend Policy 6 to read, "To avoid ... their margins, while recognising that Network Utilities and Regionally Significant Infrastructure can have a functional, locational, operational or technical requirement to be located within or adjacent to these areas and may not be able to completely avoid or mitigate adverse effects in every instance."

Amend the explanation at pg 35 accordingly.

Policy 8

Amend Policy 8 to read, "Public access .. necessary to;

(i) ensure public safety, or

(ii) provide for the effective and efficient operation, maintenance and upgrade of Network Utilities and Regionally Significant Infrastructure, or

(iii) avoid adverse

Amend the explanation at pg 35 accordingly.

Policy 10

Amend Policy 10 to read, "*To identify the district in the District Plan, which ...*"

Amend the explanation at pg 36 accordingly.

Policy 11

Amend Policy 11 to;

- (i) add additional matters to criteria (f) to read, "*The functional, locational, technical and operational requirements of the proposed activity.*"
- (ii) add a new matter (g) to read, "*(g) Recognition that some Network Utilities and Regionally Significant Infrastructure require location within or adjacent to such features and landscapes and it may not be possible to completely avoid or mitigate adverse effects in every instance..*"

Amend the explanation at pg 36 accordingly.

Plan Change 142

Introduction

Amend the introduction to;

- (i) **amend** the 2nd paragraph to read, "... equipment. *Network Utilities, Regionally Significant Infrastructure and ..., such as roads, lines for the conveyance of electricity, mining, ...*"
- (ii) **add** a paragraph to read, "*Access to, and the operation, maintenance and upgrading of some activities can be compromised by new subdivision, use and development in the Rural Area through a range of activities and works and can include reverse sensitivity effects where the newly established activity is sensitive to those existing or proposed uses. It is important that reverse sensitivity issues are managed to enable the ongoing growth and development of the district through the sustainable management of natural and physical resources.*"

Objective 1

Amend Objective 1 to read; "*To provide recognising that ... working environment, and the functional, locational, technical and operations needs of Network Utilities and Regionally Significant Infrastructure.*"

Amend the explanation at pg 40 accordingly.

Objectives

Add a new Objective 3 to read; "*To enable and provide for the development, operation, upgrade, maintenance and protection of Network Utilities and Regionally Significant Infrastructure in the rural environment.*"

Amend the explanation at pg 40 accordingly.

Policy 1

Amend Policy 1 to read; "*To provide ... remain productive and the ability to develop, access, operate, upgrade and maintain Network Utilities and Regionally Significant Infrastructure is not compromised.*"

Amend the explanation at pg 40 accordingly.

Policy 2

Amend Policy 2 to read, "*To impose ... on subdivision, land use and development in the Rural Zones that;*

(i) provides ... environment, and

(ii) enables Network Utilities and Regionally Significant Infrastructure including protection from adverse effects on access to and the

operation, maintenance or upgrading of that infrastructure."

Amend the explanation at pg 40 accordingly.

Policy 3

Amend Policy 3 to read, "To enable ... siting of development:

(f) recognises the functional, locational, technical and operational needs of Network Utilities and Regionally Significant Infrastructure and that it may not always be possible to completely avoid or mitigate adverse effects in all instances."

Amend the explanation at pg 40 accordingly.

Policy 4

Delete existing Policy 4 and **replace** with a new Policy 4 to read; "To recognise the importance to the community of Network Utilities and Regionally Significant Infrastructure by enabling and protecting the development, operation, maintenance and upgrade of these activities in the rural areas."

In the alternative add a new Policy to this effect, and renumber policies as appropriate, as the intention of this submission is not to remove specific Policies such as this if they are intended for different reasons.

Amend the explanation at pg 40 accordingly.

Policy 5

Amend Policy 5 to read; "To ensure ...consented activities, including existing and proposed Network Utilities and Regionally Significant Infrastructure, are not compromised by ..."

Amend the explanation at pg 40 accordingly.

Policy 6

Amend Policy 6 to read; "To ensure ...Conservation Land. Notwithstanding this to recognise, in the case of Network Utilities and Regionally Significant Infrastructure, that it may not be possible to completely avoid or remedy adverse effects in all instances."

Amend the explanation at pg 40 accordingly.

Policy 8

Amend Policy 8 to read; "To provide ... quarrying, a range of industrial activities, and Network Utilities and Regionally Significant Infrastructure within the ..."

Amend the explanation at pg 40 accordingly.

Plan Change 144

Introduction

Amend the Introduction such that,

- (i) the first paragraph reads, "Network Utilities and Regionally Significant Infrastructure are the ..."
- (ii) amend the meaning of Utilities as set out in paragraph 2 to reflect the meaning of Network Utilities as set out in the proposed west coast regional policy statement.
- (ii) the fourth paragraph reads, "However ... requirements. These potential effects ... or mitigated to the extent possible given the functional, locational, technical or operational requirements, while recognising ..."

Introduction

Add a new paragraph to the Introduction to read; "Access to, and the operation, maintenance and upgrading of Network Utilities and Significant Regional Infrastructure can be compromised by new subdivision, use and development through a range of activities and

works and can include reverse sensitivity effects where the newly established activity is sensitive to those existing or proposed uses. It is important that reverse sensitivity issues are managed to enable the ongoing growth and development of the district through the sustainable management of natural and physical resources."

Issues

Amend reference to "Utilities" in the Issues to "Network Utilities"

Objective 1

Amend Objective 1 to,

(i) change the reference to "Utilities" to "Network Utilities".

(ii) Amend Objective 1 to read, "To enable the safe ... the needs of the District."

Amend the Explanation at pg 47 accordingly.

Objective 2

Amend Objective 2 to change the reference to "Utilities" to "Network Utilities".

Objective 3

Retain Objective 3

Objective 4

Amend Objective 4 to change the reference to "Utilities" to "Network Utilities".

Policy 1

Amend Policy 1 to change the reference to "Utilities" to "Network Utilities".

Policy 2

Amend Policy 2 to;

(i) change the reference to "Utilities" to "Network Utilities".

(ii) amend the wording to read, "To ensure that any adverse effects to the extent practicable, taking into account ... constraints and requirements."

Policy 3

Retain Policy 3 with amendment to read, "To consider ... residual environmental effects of Network Utilities or Regionally Significant Infrastructure ...".

Policy 4

Retain Policy 4 with amendment to

(i) change the reference to "Utilities" to "Network Utilities".

(ii) amend the wording to read, "To avoid safe, secure and efficient access to and operation, maintenance and upgrade of".

Policy 5

Retain Policy 5

Policy 7

Retain Policy 7 with an amendment to read, "To ensure ...serviced including;... continued and secure access to services."

Amend the Explanation at pg 48 accordingly.

Plan Change 145

Proposed Utility Rules, Permitted Activities

Under the heading Permitted Activities insert a statement to read,

"Permitted Activities

An activity is a permitted activity if it complies with any one of the following permitted activity rules

Proposed Utility Rules, Rule PA.1

Retain Rule PA.1

Proposed Utility Rules, Rule PA.2

Retain Rule PA.2 with the following amendments,

- (i) **Amend** the second paragraph immediately before the list to delete the duplicated statement so that Rule PA.2 reads, "Operation, upgrading ... activities commenced.
This includes, but is not limited to, the following activities; the recontouring or replacement of lines ..."
- (ii) **Add** a new bullet point to the list to read, "*the replacement of any existing poles and support structures.*"

Proposed Utility Rules, Rule PA.3

Retain Rule PA.3 with the following amendment to read, "*Trimming, felling ... upgrading of supply.*"

Proposed Utility Rules, Rule PA.4

The rule be reconsidered, including efficiency and effectiveness of third party approvals in achieving the outcomes sought by the Plan, or removed and amended once the intentions and outcomes sought are clear.

Proposed Utility Rules, Rule PA.5

The Council reconsider the need for, and intentions in regard to, this rule and the efficiency and effectiveness of third party approvals in achieving the outcomes sought by the District Plan. If it is considered that a rule may be required then it should at the least be amended to read, "*Relocation of existing poles provided that written consent is obtained from any landowners, other than the existing landowner on whose site the pole is to be relocated, within a 22 metre radius of the new location of each pole has been obtained.*"

This would require a consequential amendment to RDA.2 to remove reference to replacement of poles.

Proposed Utility Rules, Rule PA.6

The rule is retained

Proposed Utility Rules, Rule PA.7

The rule is retained with an amendment to read, "Above-ground ... buildings, depots or *zone substations.*"

This would require a consequential amendment to DA.2 to refer to "*zone substation*"

Proposed Utility Rules, Restricted Discretionary Activities, RDA.1-RDA.3, Rules RDA.1-RDA.3 are retained with the following amendments to,

- (i) **add** a bullet point to each to read, "*the functional, locational, technical and operational requirements of the activity.*"
- (ii) **add** to each rule a statement to read, "*Any application made under this rule shall not require public notification.*"

028. Federated Farmers of New Zealand

Address for service:

Federated Farmers of New Zealand
PO Box 5242
Dunedin

kreilly@fedfarm.org.nz

Plan Change 135

Policy 2

Amend to read

To identify using x criteria and record in consultation with tangata whenua, sites of significance to Maori in a manner which will ensure they are respected and protected from inappropriate subdivision, use and development.

Plan Change 136

That hazardous substances use and storage on farms is unregulated.

Objective 1

Amend

Amend as follows:

~~To protect the environment from the adverse effects and risks arising from to enable~~ subdivision, use and development activities involving hazardous substances where necessary for their operations in appropriate locations.

Policy 1

Amend

Amend as follows:

Activities and facilities involving the use and storage of hazardous substances shall be unregulated where adequate levels of community and environmental protection is already provided by the Hazardous Substances and New Organisms Act 1996 or other legislation and regulation designed, located, constructed and operated so as to minimise risk to people and the environment.

Plan Change 137

That a new definition for *Mineral Extraction* is inserted that excludes farm quarries.

Plan Change 138

That a new policy is included:

To provide for farm activities and structures to locate within natural hazard areas.

Or the proposed objectives and policies are amended to refer to habitable buildings, places of assembly, educational facilities and hospitals, and exclude farm buildings and structures.

Plan Change 140

Policy 2

Amend

That Policy 2 is amended to read:

To manage the scale, location and design of subdivision, use and development in eth coastal environment and determine its appropriateness based on the following:

- a) Whether the proposal is consistent with the existing character, and the extent of existing modification and like potential modification of natural character as a result of the proposed activity.
- b) ...

Policy 3

Amend

Amend as follows:

Public access to and along the coastline shall be maintained, and

enhanced where appropriate. Except across private land, or where restrictions are necessary to ensure public safety or to avoid adverse effects on ecological values.

Policy 4

Amend

Amend as follows:

To provide for the creation of esplanade reserves or esplanade strips when subdivisions take place, where their creation is deemed necessary in order to protect conservation values, enable public access to or along any sea or to enable public recreational use of the reserve or strip and adjacent sea, where the use is compatible with conservation values

A waiver or reduction of the width of an esplanade reserve/esplanade strip will be considered when:

- Protection of the esplanade area is more appropriately achieved by an alternate protection mechanism.
- The subdivision is a boundary adjustment and no new lots are created.
- There are no conservation benefits or public access benefits to be gained.
- The land is already protected under a QEII Trust Covenant, protective covenant under the Reserves or Conservation Act, marginal strip under the Conservation Act.
- Where by reason of public safety and/or security, an esplanade reserve would be inappropriate.

Plan Change 141

Objective 2

Amend

Amend as follows:

To enable appropriate subdivision, use and development of waterbodies, wetlands and their margins where adverse effects on significant natural character, ecological, recreational, amenity, and cultural values where these values are identified in the Plan, are avoided, remedied or mitigated.

Objective 4

Amend

Amend as follows:

To enable activities on the surface of waterbodies where adverse effects on significant natural character, ecological, recreational, amenity and cultural values where these values are identified in the Plan, are avoided, remedied or mitigated

Objective 6

Amend

Amend as follows:

To enable appropriate subdivision, use and development where adverse effects on identified areas of Outstanding Natural Features and Landscapes are avoided, remedied or mitigated.

Policy 5

Amend

Amend as follows:

To provide for activities which have less than minor effects on significant indigenous biodiversity as permitted.

Policy 6

Amend

Amend as follows:

To avoid, remedy or mitigate the adverse effects of subdivision, use and development that would detract or compromise significant natural character, ecological functioning, recreational, amenity and cultural values of waterbodies, wetlands and their margins where these values have been identified in the Plan.

Policy 7

Amend

Amend as follows:

To enable the use of the surface of waterbodies provided the adverse effect of these activities on significant natural character, ecological functioning, recreational, amenity and cultural values of waterbodies and their margins where these values have been identified in the Plan are avoided, remedied or mitigated.

Policy 8

Amend

Amend as follows:

Public access to and along waterways shall be maintained and enhanced where appropriate, except across private land or where restrictions are necessary to ensure public safety or to avoid adverse effects on ecological values.

Policy 9

Amend

Amend as follows:

To provide for the creation of esplanade reserves or esplanade strips when subdivision takes place, where their creation is deemed necessary in order to protect conservation values, enable public access to or along any sea, river or lake or to enable public recreational use of the reserve or strip and adjacent sea, river or lake where the use is compatible with conservation values.

A waiver or reduction of the width of an esplanade reserve/esplanade strip will be considered when:

- Protection of the esplanade area is more appropriately achieved by an alternate protection mechanism.
- The subdivision is a boundary adjustment and no new lots are created.
- There are no conservation benefits or public access benefits to be gained.
- The land is already protected under a QEII Trust Covenant, protective covenant under the Reserves or Conservation Act, marginal strip under the Conservation Act.
- Where by reason of public safety and/or security, an esplanade reserve would be inappropriate.

That **Policy 3** and **11** are clarified as to when the criteria for determining appropriate subdivision, use and development are applied, eg during a resource consent application.

That **Policy 11** *Criteria for Determining Appropriate Subdivision, Use or Development* in ONFLs is amended to include social and economic benefits as a consideration similar to Policy 3(g)

Plan Change 142

That a **new Objective 1** is added to the Rural Zone:

Objective 1: Recognise and enable primary production as being the main purpose of the Rural Environment, and protect it from adverse effects arising from reverse sensitivity.

Policy 1

Amend

Amend as follows:

To provide for primary production as a priority, as well as a wide range of activities within the Rural Zone while ensuring that rural areas remain productive.

Policy 3

Amend

Amend as follows:

To enable a variety of activities to occur within rural areas while maintaining character and amenity values by ensuring that that scale and siting of development:

- a) Maintains a dominance of open space and plantings over non-primary production buildings;
- b) ~~Maintains privacy and rural outlook for residential dwellings;~~
- c) Achieves an appropriate level of compatibility with existing development and/or the surrounding area;
- d) ~~Avoids, remedies or mitigates effects on the amenity of existing residential activities being exposed to noise and adverse light emissions at night; and~~
- e) Minimises adverse visual effects if sited on Outstanding Natural Features or Landscapes ~~prominent ridges or immediately adjacent to public roads.~~

Policy 4

Amend

Amend as follows:

To recognise that the rural environment may be the most appropriate location for some utility, industrial or commercial uses to establish, provided that primary production land uses and the character and amenity of the rural environment is maintained.

Policy 5

Amend

Amend as follows:

To ensure primary production activities, lawfully established and/or consented activities are not unreasonably compromised by the proximity of sensitive neighbouring activities.

Plan Change 145

PA.2

Amend

To only provide for operation and maintenance as permitted. The status of upgrading and replacement is amended to become discretionary activities.

PA4

Amend

That the status of (extension of overhead lines) is to become a discretionary activity.

	<p>PA.5 Amend That the status of (replacement and/or relocation of poles) is to become a discretionary activity.</p> <p>PA.6 Amend That the status of (new electricity support structures and lines) is to become a discretionary activity.</p>
--	---

029. Forest and Bird NZ

<p>Address for service:</p> <p>Forest and Bird NZ Po Box 2516 Christchurch 8140 Attention: Jen Miller</p> <p>j.miller@forestandbird.org.nz</p>	<p>Plan Change 133 Amend An updated Part 3 from the existing plan be inserted into the Proposed Plan.</p> <p>Introduction 1.4 Amend Insert wording from Part 2.8 of the operative Buller District Plan. Include information notes below relevant rules.</p> <p>Plan Change 136 Explanation Amend Amend the explanation in relation to this matter to make clear that adverse effects of hazardous substances should firstly be avoided.</p> <p>Plan Change 137 2.3 Introduction Amend Amend to better set out Council's responsibilities in respect to the sustainable management of the districts mineral resources in Part 2 of the RMA, including safeguarding life supporting capacity of ecosystems and the protection of significant indigenous vegetation and significant habitats and outstanding landscapes.</p> <p>Issues Amend Include an Issue 3 to consider the issue of mineral extraction and how in some instances within the district there are now ecosystems that are rare and vulnerable and risk being irrevocably lost through inappropriate activities.</p> <p>Objective 1 Amend Amend Objective 1 or provide a new Objective 2 to properly describe what the values are that must firstly be avoided.</p> <p>Policy 2 Amend Amend Policy 2 and explanation to clarify that in ensuring adverse effects are avoided location will be a key consideration.</p> <p>Policy 3 Amend Amend Policy 3 to make clear it is intended to manage potential conflicts as a result of any proposed residential development.</p>
---	--

Plan Change 138

General Support

Amend

Add new Policy to state that when considering mitigating against potential natural hazards such as flooding consideration is given to the effect any proposed mitigation may have on natural values and that alternatives are explored if available and necessary.

Policy 5

Amend

Amend to make it clear what “manage subdivision” means in the context of “unless the activity can demonstrate”. More appropriate policy wording should be “to avoid subdivision” and provide clear guidance for rules and resource consent processes.

Plan Change 139

Introduction

Amend

Amend to include the importance of protecting high natural values and acknowledge that increased noise, lighting and people for example can have an adverse effect on important species such as the little blue penguin and the Westland petrel.

Any potential negative impacts on the Petrel when considering increased residential or commercial development in the Punakaiki area should be considered.

Scenically Sensitive Residential Zone

Amend

Delete reference to ‘detrimental effect’ and replace with appropriate Resource Management Act (RMA) terminology including what is required within the New Zealand Coastal Policy Statement (NZCPS).

Include policy guidance on height and scale of structures.

Scenically Sensitive Commercial Zone

Amend

Delete reference to ‘detrimental effect’ and replace with appropriate RMA terminology.

Include policy guidance on height and scale of structures.

Plan Change 140

Introduction

Amend

Amend Introduction to properly set out Council’s responsibilities in relation to the NZCPS and other s6 RMA matters, including s6 (b) and (c).

Refer to the Council’s responsibilities in relation to wetlands and the importance of their protection. Refer to the provisions of the West Coast Land and Water Plan in relation to them.

Issue

Amend

Amend issue to recognise the importance of protecting the coastal environment, natural habitat, natural character and landscapes. And ensuring development is appropriate.

Objective 1

Amend

Amend to be clear that it is firstly the requirement to protect natural habitats etc.

Policy 1

Amend

Clarify if only applicable to the Paparoa Character Area.

If so, consider whether there should be another policy setting out performance standards in the coastal environment more generally.

Policy 2

Amend

Delete or amend to give effect to the NZCPS and comply with the requirements of the RMA. If amending, include:

Subdivision, use and development within the Coastal environment
To manage the scale, location and design of subdivision, use and development to ensure adverse effects are avoided, remedied and mitigated. Including through provision of conditions and standards, where effects may be more than minor as a discretionary activity or as a prohibited activity where necessary to give effect to the NZCPS.

Policy 3

Amend

Amend to be clear that access may have temporary restrictions in some places such as during times of penguin breeding.

Plan Change 141

Introduction

Amend

Delete the word “significant” from the heading.

Include text to describe the key issues with indigenous bird species and habitats which are addressed though the provisions of this chapter, or refer to where these are addressed if elsewhere in the plan or by other authorities.

Introduction – Waterbodies

Amend

Include reference to the Regional Land and Water Plan with regard to protection of wetlands.

Introduction – Landscapes

Amend

Amend to clarify Council’s approach to “outstanding landscapes” including identification of sites and recognition of off-site effects.

Issue 1

Amend

Amend the issue to set out what the matter of concern/issue is.

Issue 2

Amend

Replace “diminishing” with “to have adverse effects on”.

Objectives

Amend

Include clear objectives for protection of significant indigenous vegetation, significant habitats of indigenous fauna, outstanding natural

features and landscapes.

Objective 1

Amend

Amend as follows or similar to provide for the “Protection of Significant Indigenous Vegetation and Habitats” as indicated by this heading:

“To identify and protect areas of significant vegetation and significant habitats of indigenous fauna from subdivision, use and development except where adverse effects can be avoided or adequately mitigated.”

Objective 2

Amend

Reword to make clear the natural character is to be preserved and must be protected from inappropriate subdivision, use and development.

Objective 3

Amend

Replace “reasonable use” with “effective and efficient use”.

Explanation to Objective 5 and Policy 8

Amend

Amend by including the following:

“Objective 5 and Policy 8 seek... ecological values, for example during bird breeding periods.”

Objective 6

Amend

Reword to make clear that s6(b) RMA requires that Outstanding Natural Features and Landscapes are to be protected from inappropriate subdivision, use and development.

Policy 1

Amend

Amend as follows:

“To identify and protect areas of... through the resource consent process, non-complying and prohibited rules.”

Policy 2

Replace

Delete and replace with updated criteria for determining significance as set out below:

1. Ecological Context

The area has one or more of the following functions and or attributes:

- a. a role in protecting adjacent ecological values, including adjacent and downstream ecological and hydrological processes, indigenous vegetation, habitats or species populations; or*
- b. is a habitat for critical life history stages of indigenous fauna including breeding/spawning, roosting, nesting, resting, feeding, moulting, refugia, migration staging points (as used seasonally, temporarily or permanently); or*
- c. it contributes to ecological networks (such as connectivity and corridors for movement of indigenous fauna); or*
- d. it contributes to the ecological function and processes..*

2. Representative Areas

A representative area is one that contains indigenous vegetation types or indigenous fauna assemblages that were typical for, and has the attributes of, the relevant class of wetland as it would have existed prior to 1840.

The criterion will be satisfied if the area contains indigenous wetland vegetation types that have the following attributes:

Either (a):

- i. The indigenous vegetation types that are typical in plant species composition and structure; and*
- ii. The condition of the area is what would have existed prior to 1840 in that:*
 - indigenous species dominate; and*
 - most of the expected species and tiers of the ecosystem vegetation type(s) are present for the relevant type of ecosystem.*

Or (b):

- i. The area contains indigenous fauna assemblages that:*
 - are typical of the ecosystem type; and*
 - indigenous species are present in most of the guilds expected for the habitat type.*

Each area is to be assessed at the ecological district and freshwater biogeographic unit scale.

3. Rarity

The area satisfies this criterion if:

- a. nationally threatened species¹ are present²; or*
- b. nationally at risk species or uncommon communities or habitats are present and the population at this site has an important contribution to the national population and distribution of a species or number of at risk species or distribution and extent of threatened or uncommon communities or habitats.; or*
- c. regionally uncommon species are present; or*
- d. is a habitat type that is now less than 50% of its original extent as assessed at the ecological district and the freshwater bio-geographic unit scales; or*
- e. it contains habitats that re identified as naturally uncommon*

4. Distinctiveness

The area satisfies the distinctiveness criterion if it has special ecological features of importance at the international, national, freshwater biogeographic unit or ecological district scale including:

- a. intact ecological sequences; and*
- b. an unusual characteristic (for example an unusual combination of species, habitat types, or landforms).*

Amend the plan to indicate that a schedule of sites will be included within the plan.

Include a list of sites within the plan to assist development of permitted activities which can occur outside such areas. Because lists are not exhaustive activities over the permitted threshold should include requirement to apply the criteria as part of the assessment of effects.

¹ The Threatened and At Risk categories are defined in the current version of the New Zealand threat classification system (Townsend et al 2008). Species are reassessed according to these categories approximately every three years.

	<p>Policy 3 Amend Amend clause (g) as follows: <i>“Any other social, economic and environment benefits and adverse effects from the proposed subdivision, use or development activity.”</i></p> <p>Policy 5 Delete Delete Policy 5.</p> <p>Policy 6 Support</p> <p>Policy 8 Support in Part Amend Amend to ensure Policy makes clear that public access along waterways is to be protected and temporary restrictions may occur for particular purpose.</p> <p>Policy 9 Support Retain.</p> <p>Policy 10 Support policy criteria Retain.</p> <p>Policy 11 Amend Add a new clause to identify whether the proposed activity is in the coastal environment.</p> <p>Clause (f) is unclear, suggest this could refer regionally significant infrastructure. Amend clause (f) if required.</p> <p>Plan Change 142 Policy 6 Support Retain Policy 6.</p> <p>Plan Change 143 Policy 2 Support Retain Policy 2.</p> <p>Plan Change 144 Policy 2 Support</p> <p>General Such other relief, including consequential changes, as is necessary to give effect to the relief sought.</p>
030. Martin & Co Wpt Ltd	
<p>Address for service:</p> <p>Martin & Co Wpt Ltd PO Box 23 Westport 7866</p> <p>kevin.scanlon@mitre10.co.nz</p>	<p>Approve the provisions.</p>

031. West Coast Regional Council

Address for service:

West Coast Regional Council
PO Box 66
Greymouth 7840

mm@wrc.govt.nz

Structure of the Plan

Neutral

Amend

To order the objectives and policy chapters to be similar to the proposed Regional Policy Statement.

Plan Change 136

Issue 1

Oppose in Part

Amend

Land use and development activities involving hazardous substances have the potential to ~~contaminate water, soil, and air~~ and adversely affect people, property, and the natural environment.

Plan Change 137

Oppose in Part

Revise chapter to focus on the use and development of all resources in the District.

Plan Change 138

Policy 5

Oppose in Part

Amend

To manage subdivision, development of buildings and structures within the Coastal Environment on land which may be susceptible to coastal erosion or inundation, taking into account whether:

- (a) There will be significant community benefit;
- (b) There is a functional requirement for the proposed location;
- (c) The activity would not adversely affect the natural character of the Coastal Environment;
- (d) Whether the hazard risk is low, medium, or high;
- (e) It is relocatable; or
- (f) That it will not increase the susceptibility of other nearby properties to natural hazards.

Plan Change 140

Issue

Support

Policy 1

Oppose in Part

Amend

To impose performance standards on development and land use in the Paparoa Character Area that provides the community with a level of certainty and maintains outstanding natural character and amenity values.

Policy 2

Support

Plan Change 141

General Comment

Support including these issues in one chapter

Issue (4th paragraph)

Oppose in Part

Amend

A concern for the district is the retention of remaining wetlands. Most fertile wetlands in the district have been drained or modified by land

development activities. ~~therefore those that remain have considerable importance to the ecology of the district.~~ Lowland wetlands are the main habitat for inanga, the principal whitebait species, as well as other threatened species. Significant wetlands are identified in Schedule 1 and 2 of the Regional Land and Water Plan. These will be taken into account when assessing the impact of proposed subdivision and land use on wetlands in the District.

Policy 3

Oppose in Part

Amend

Remove “wetlands” from the Policy heading, or replace the criteria with the Schedule 3 criteria from the West Coast Regional Council’s Land and Water Plan.

To maintain significant indigenous biodiversity values having regard to the following matters in determining appropriate subdivision, use, and development:...

Policy 5

Neutral

Amend

To provide for activities which have less than minor effects on significant indigenous biodiversity values