

From: BDC Lgoima
To: [REDACTED]
Subject: LGOIMA Assignment -Penguin Protection - Bylaws/Policies/Monitoring Ref: OIA 125/24
Date: Tuesday, 29 October 2024 12:04:15 pm

Dear [REDACTED]

We refer to your official information request dated 14th October 2024. The information you have requested is marked below in red:

1. Details of rules/policies/objectives in your district plan designed to avoid adverse effects of dog attacks and vehicle strike on penguins (specifically hoiho and kororā)
Refer to BDC Control of Dogs By law and policy.
<https://bullerdc.govt.nz/media/wsuniuc1/control-of-dogs-bylaw.pdf>
2. Decision making materials that underpin the making of the district plan (including any plan changes) where the need to give effect to the New Zealand Coastal Policy Statement (NZCPS) was considered
NIL
3. Details of any bylaws or other local measures that protect penguins from dog attacks or vehicle strike
NIL
4. Details of council monitoring of penguin populations and documents that contain monitoring results (including published reports under s35(2A) RMA).
Nothing under the RMA to note.
5. Reports received by the Council on dog attacks and vehicle strikes on penguins in the last 3 years On 1/3/2024 We received information from a DOC staff member that a roaming dog had been attacking Penguin at the Larsen St Beach in Cape Fowl wind.
We investigated this complaint, which resulted in a letter being delivered to residents and a conversation about this.
6. Details of any other actions taken by the Council to protect penguins
In August this year Tracy Judd (Manager of Compliance at BDC), Inger Perkins (West Coast Penguin Trust) and DOC went along to the Carters Beach Market, where they set up a table with a range of information about Penguins, a considerable amount of which was shared that morning.

We have attached Inger Perkins email address for you, as she will be a valuable contact for you: info@westcoastpenguintrust.org.nz

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact the Buller District Council by return email to lgoima@bdc.govt.nz.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request may be published at <https://bullerdc.govt.nz/district-council/your-council/request-for-official-information/responses-to-lgoima-requests/> with your personal information removed.

Kind regards,

Michael Aitken
Acting Group Manager Regulatory Services

Buller District Council | Phone 0800 807 239 | bullerdc.govt.nz
PO Box 21 | Westport 7866

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From: [BDC_Lgoima](#)
To: [REDACTED]
Subject: RE: LGOIMA Assignment -Penguin Protection - Bylaws/Policies/Monitoring Ref: OIA 125/24
Date: Friday, 15 November 2024 1:54:57 pm
Attachments: [13112024102146-0001.pdf](#)

Dear [REDACTED]

Thank you for your further query. Please find attached copy of the report regarding the dog attack, some names have been whited out under LGOIMA section 7 (2)(a) to protect privacy of natural persons. And apologies as the date for this was 1/03/2023 (not 1/03/2024 as previously advised).

There are no other reports that our Compliance Team were aware of.

Your queries regarding the District Plan have gone to our planning team for a response, however due to their current workload, this answer will not be provided until next week.

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From: [REDACTED]
Sent: Monday, 11 November 2024 4:12 pm
To: BDC_Lgoima <lgoima@bdc.govt.nz>
Subject: RE: LGOIMA Assignment -Penguin Protection - Bylaws/Policies/Monitoring Ref: OIA 125/24

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[Redacted]

From: BDC_Lgoima <lgoima@bdc.govt.nz>

Sent: Tuesday, 29 October 2024 12:04 pm

To: [Redacted]

Subject: LGOIMA Assignment -Penguin Protection - Bylaws/Policies/Monitoring Ref: OIA 125/24

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From: [BDC_Lgoima](#)
To: [REDACTED]
Subject: FW: LGOIMA Assignment - Penguin Protection - Bylaws/Policies/Monitoring Ref: OIA 125/24
Date: Friday, 22 November 2024 1:03:48 pm
Attachments: [TTPP-s42A-Report-Coastal-Environment.pdf](#)
[Te-Tai-o-Poutini-Plan-S32-Report-5-Natural-Environment-Values-including-the-Coastal.pdf](#)
[Section-32-Coastal-Hazards-Variation.pdf](#)

Dear [REDACTED]

Please find further information marked in red and attached documents as provided by our Planning team.

Has BDC completed a full review of the District Plan, as required by section 79(1)(b) of the Resource Management Act 1991 (RMA)? If so, could you please provide me with the link or attachment.

No full review completed by BDC.

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Documents attached.

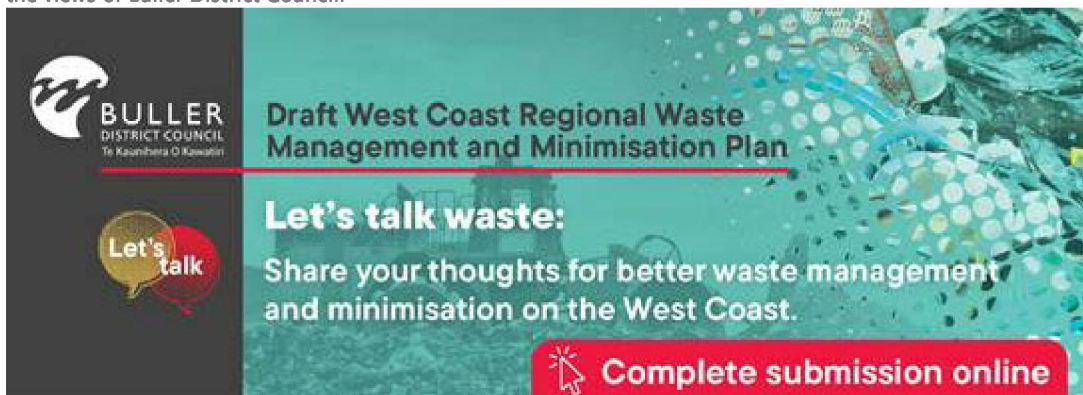
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BDC LGOIMA Team

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From: BDC_Lgoima <lgoima@bdc.govt.nz>

Sent: Friday, 15 November 2024 1:55 pm

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Te Tai o Poutini Plan – Section 32 Evaluation

Variation 2: Coastal Natural Hazards Mapping



Table of Contents

1. Overview and Purpose	3
2. Introduction to the Resource Management Issue	3
2.1 Statutory and Policy Direction	4
3. Resource Management Issue and Analysis	21
3.1 Background	21
3.1.1 Operative Plan Provisions	22
3.1.2 Proposed Te Tai o Poutini Plan	22
3.1.2 Development of Draft Variation Mapping	25
3.2 Consultation and engagement	25
4. Scale and Significance Evaluation	27
4.1 Explanation Summary	29
4 Evaluation of the Proposed Variation	30
4.1 Description of the Proposed Provisions	30
4.2 Differences Between the proposed TTPP and the Variation Mapping	34
4.2 Evaluation of Options	36
5. Summary	38

1. Overview and Purpose

Section 32 of the RMA requires objectives in District Plan proposals to be examined for their appropriateness in achieving the purpose of the Resource Management Act 1991 ('the Act' or 'the RMA'), and the policies and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness and risk in achieving the objectives.

The analysis set out in this report is to fulfil the obligations of the Council under s32 of the RMA. This section 32 evaluation report relates to the evaluation of options for the mapping of coastal inundation and coastal erosion hazards (Coastal Hazard Severe, Coastal Hazard Alert and Coastal Setback overlays) on the West Coast.

This s32 evaluation report should be read in conjunction with the s32 'Overview Report', that was proposed for the proposed Te Tai o Poutini Plan which also includes an overview of the s32 legislative requirements, the methodology and approach to the s32 evaluations and the process that the TTPP Committee has undertaken to date through the development of Te Tai o Poutini Plan, including consultation and engagement.

The s32 evaluation report relates only to the provisions in the proposed Variation 2 to Te Tai o Poutini Plan. This Variation seeks amend and updated the coastal hazard maps for three coastal hazard overlays – Coastal Hazard Severe, Coastal Hazard Alert and Coastal Setback.

2. Introduction to the Resource Management Issue

The West Coast is subject to a range of natural hazards, and people live and own property in areas susceptible to their effects. Effective planning for and management of natural hazards reduces the negative impacts of natural hazards on people, property and other aspects of the environment.

Coastal hazards overlays are mapped on the Te Tai o Poutini Maps with the objectives, policies and rules contained within the Natural Hazards section of Te Tai o Poutini Plan.

Coastal hazards (coastal erosion and inundation) in the proposed TTPP were mapped using the most accurate data and modelling available at the time. High accuracy LiDAR data was available for the Hokitika and Westport township areas as it had already been carried out for the planning of coastal and river protection works for those towns. The rest of the coast was mapped using lower accuracy space shuttle data.

More recently, improved LIDAR data like that used in Hokitika and Westport has become available for the remainder of the coast excluding the area north of Hector and south of Jackson Bay. This has meant the modelling work has been able to be updated to be more accurate and NIWA have been able to update the level of coastal hazard and the boundaries of these for the Coastal Hazard Severe, Coastal Hazard Alert and Coastal Setback overlays.

The need for the Variation was identified because there are substantial differences between the updated maps and what was notified in the proposed TTPP. There are several hundred properties that currently are mapped within an overlay where the

higher resolution data indicates they are not at risk, and there are several hundred properties that currently do not show any coastal hazard. Where the higher resolution data indicates that there is a significant risk of coastal hazards.

The proposed Variation involves the replacement of the proposed Plan maps with the updated maps, as shown on the map viewer at: <https://tttp.nz/coastal-hazards-variation/>.

No changes to any other part of the Plan are proposed, and no amendment to the relevant objectives, policies or rules are included.

2.1 Statutory and Policy Direction

2.1.1 Part 2 of the RMA

The Resource Management Act (RMA) sets out the functions of regional councils under Section 30, and the functions of territorial authorities under Section 31.

The RMA requires the West Coast Councils (the Councils) to control any actual or potential effects of the use, development, or protection of land for the purpose of the avoidance or mitigation of natural hazards.

In undertaking its functions, the RMA requires the Councils to recognise and provide for the management of significant risks from natural hazards as a matter of national importance (Section 6). It also requires the Councils to have particular regard to the maintenance and enhancement of the quality of the environment, and the effects of climate change (Section 7).

Section 106 of the RMA requires the consideration for all risks from natural hazards in subdivision consent applications, and the relevant Council has the ability to refuse subdivision consent if there is significant risk from natural hazards.

The RMA also states that district plans must give effect to the New Zealand Coastal Policy Statement (NZCPS) and the WCRC's Regional Policy Statement. These functions essentially direct the Councils to consider how future development may be impacted by natural hazards (including those intensified by climate change) while also avoiding or mitigating natural hazards by recognising that inappropriate land use and development can exacerbate natural hazards and put more people and properties at risk.

These matters are relevant when considering natural hazards issues in the development of TTPP. The RMA, particularly sections 6 and 106, and the NZCPS, encourage taking a risk-based approach to managing natural hazard planning and decision-making under the RMA, taking into account both the likelihood and consequences of natural hazards.

2.1.2 New Zealand Coastal Policy Statement 2010 (NZCPS)

Section 75(3)(b) of the RMA directs that a district plan must give effect to any New Zealand coastal policy statement. The NZCPS deals specifically within the New Zealand coastal environment, and the district plan must give effect to it (s75(3)(b) RMA).

In respect to natural hazards its focus is coastal hazards including consideration of climate change. The key objective and policies in the NZCPS of relevance to managing natural hazards on the West Coast are:

Objective 5 To ensure that coastal hazard risks taking account of climate change, are managed by:

- *Locating new development away from areas prone to such risks;*
- *Considering responses, including managed retreat, for existing development in this situation; and*
- *Protecting or restoring natural defences to coastal hazards.*

Supporting this objective are policies including, Policy 3 (precautionary approach), Policy 24 (identification of coastal hazards), Policy 25 (subdivision, use and development in areas of coastal hazard risk), Policy 26 (natural defences against coastal hazards) and Policy 27 (Strategies for protecting significant existing development from coastal hazard risk).

Relevant matters in terms of this topic include:

- priority to maintaining and protecting natural features as defences against coastal hazards to protect coastal land uses;
- the requirement to identify areas in the coastal environment potentially affected by coastal hazards over the next 100 years including consideration of the effects of climate change;
- avoiding redevelopment, or change in use that would increase the risk of adverse effects;
- discouraging hard protection structures where practicable; and
- identifying long-term sustainable risk reduction approaches, including relocation or removal of existing development and structures at risk.

2.1.3 National Planning Standards

The Ministry for the Environment National Planning Standards 2019 contain the following aspects of relevance to this topic:

13. Mapping Standard – this standard sets out the required colours for all zones, and symbols where the maps display specified features.

There are no specific mapping requirements for natural hazards, except that the overlays must not utilise the colours or symbols allocated to the specific zones and features identified in the mapping standard.

2.1.4 West Coast Regional Policy Statement (WCRPS)

The West Coast Regional Policy Statement (RPS) Chapter 11 Natural Hazards and Chapter 9 Coastal Environment have a significant bearing on the implementation of Section 6 of the RMA. TTPP is required to give effect to the RPS.

Chapter 11 of the WCRPS provides a framework for managing natural hazard risks on the West Coast. It also sets out the responsibilities of the local authorities in the region for the control of land use to avoid or mitigate natural hazards.

Chapter 9 of the WCRPS addresses the coastal environment and has specific objectives and a policy around natural hazard risk management in this location.

The objectives and policies relevant to this topic and that must be given effect to are: Objective 9.3, 9.4 and 11.1 Policies 9.6, 9.7, 9.8, 11.1, 11.2, 11.3 and 11.4

Objective 11.1.1 seeks that the risks and impacts associated with natural hazards are avoided or minimised.

Objective 9.3.1 seeks that appropriate regard be had to the level of coastal hazard risks for new subdivision use or development.

Objective 9.4 relates to existing coastal hazard risks and seeks that they be managed to enable the safety and wellbeing of people and communities.

Policy 11.1 seeks to increase awareness of hazard risks and the adoption of appropriate building controls, including avoiding inappropriate development in hazard prone areas, to reduce the susceptibility of the West Coast community to the adverse effects of natural hazards.

Policy 11.2 recognises that through appropriate planning, the need for protection works can be avoided by siting new subdivision, use and development away from existing or potential natural hazards. Subdivision use and development that may cause or contribute to a natural hazard should be avoided. In some cases activities in an area may cause or contribute to a natural hazard affecting another area. For example, an upstream or inland land or river use can have downstream or downgradient hazard effects on other development. The risk of subdivision, use and development affecting or exacerbating a hazard risk elsewhere needs to be assessed in plan and consent processes.

Policy 11.3 recognises that adverse effects arising from climate change may be significant in certain areas. It directs that when assessing natural hazard risk, councils should use the latest national guidance and the best available information on the impacts of climate change on natural hazard events.

Policy 11.4 recognises that there will be situations where modifying the environment to reduce susceptibility to natural hazards will produce benefits to the community in excess of the costs involved in protection or prevention works or programmes. Consideration should be given to the relocation of existing development and infrastructure away from areas prone to natural hazards, however it is recognised that this cannot always occur.

Policy 9.6 recognises that the potential impacts of climate change on coastal processes (and thus natural hazards) are complex, and a risk management approach to coastal hazard management is necessary when considering if coastal subdivision, use and development is suitable in the coastal environment.

Policy 9.7 requires that a minimum 100 year timeframe is used for assessing coastal hazard risks, particularly for proposed development in or adjoining areas identified as being high risk for hazards.

Policy 9.8 recognises that there are options to consider for managing coastal hazard effects on significant existing development, including relocation and removal of existing development, as well as hard protection structures. Where resource

management action is needed to protect people and property, the RMA provides for councils to take the best practicable option. Decision-makers will need to consider the potential social and economic impacts, including costs, to land and infrastructure owners of options to best manage *hazard effects*.

2.1.5 West Coast Regional Coastal Plan (WCRCP)

Section 75(4)(b) of the RMA directs that a district plan must not be inconsistent with a regional plan for any matter specified in s30(1). This includes the control of the use of land for the purpose of avoiding or mitigating natural hazards (s30(1)(c)(iv)). The relevant objectives of the proposed West Coast Regional Coastal Plan (pWCRCP) seek to ensure that the effectiveness of existing defences against the coast are maintained and that activities do not exacerbate the risk of erosion. The associated policies support the maintenance and upgrading of coastal protection structures, while ensuring that new coastal defences are appropriately placed so as not to exacerbate potential natural hazards elsewhere.

The pWCRCP identified 26 coastal hazard areas. These were reassessed post Cyclone Fehi, as areas as outlined in the table below. The Risk Priority Ranking relates to the degree of risk to built structures from the coastal hazard – rather than any particular judgement about the severity of the hazard itself. The coastal processes include the action of waves, tides and longshore currents on the movement of sediments along and perpendicular to the coast. For these natural processes to become hazards something needs to be impacted by them, such as a dwelling, or a highway, which has the potential to be impacted by the natural process. This is appropriate with a risk-based approach it is the significant risk being managed, where people and property are at risk, not where a severe hazard may exist but development does not.

WCRCP Coastal Hazard Area	Type of Coastal Hazard and Risk Priority Ranking
CHA 1 Karamea, from Kohaihai Bluff to Little Wanganui Head	Buildings: Residences around the Karamea/Otumahana Estuary are threatened by erosion and flooding. Road: SH67 Karamea Highway is exposed to erosion as it passes around the backshore of the Karamea/Otumahana Estuary. Sections of the Karamea-Kohaihai Road are exposed to erosion where it passes the Oparara Lagoon and Break Creek. Recreation: DOC Heaphy track facilities are threatened, as is the Golf Course at Karamea. Farmland: Farmland is at threat from erosion and flooding. Erosion: Migration of the Karamea River mouth, Oparara River mouth and Break Creek mouth can directly erode land during migration as well as change the exposure of the backshore to erosion from swell and storm waves. There is also erosion of the open coast by storm waves. Flooding: Wave washover flooding can affect low lying land during storms. The estuary mouths close infrequently but when they do it can result in flooding due to back up of water behind

	them. Dune blowouts: Dune blowouts can deposit large amounts of dune sand on to land immediately behind the existing dune line.
	Medium: Moderate numbers of assets at risk. Existing management measures reasonably effective at reducing risk.
CHA 2 Mokihiui, from Gentle Annie Point to south of Miko	Buildings: Residences at Mokihiui and Gentle Annie are threatened by erosion and flooding. Road: Part of Gentle Annie access road threatened by erosion. Farmland: Farmland is being lost to erosion.
	Erosion: Long term erosion affects the coastline along this CHA. Erosion rates are higher nearer the Mokihiui River mouth. Mouth migration also threatens to cause erosion to the north bank of the Mokihiui River mouth.
	Flooding: Wave washover flooding affects land behind the beach
	Medium: Ongoing erosion and sea-flooding threatens existing buildings.
CHA 3 Hector , Ngakawau and Granity, from 400m north of Lamplough Stream to the mouth of the Orowaiti Lagoon	Buildings: Residential properties and school in Granity, Hector and Ngakawau are affected by erosion and flooding. In general, property to the west of SH67 in Hector, Ngakawau and Granity is very vulnerable to erosion and flooding. New subdivisions at the south end of the CHA have been set back to allow for continuing erosion. Road: Sections of SH67 (Karamea Highway) are likely to be threatened by erosion and flooding in the future. Farmland: Particularly in the southern half of this CHA significant areas of farmland are being lost to erosion.
	Erosion: The shoreline in CHA3 is experiencing long term erosion combined with short-medium term (1-20 year time frame) cycles of accretion and erosion. Erosion is caused by wave driven abrasion and transport of material northward exceeding sediment supply from rivers and from the coast to the southwest. Erosion rates vary over the length of the CHA as well as over time due to varying wave conditions and sediment inputs from rivers. Temporal variability is greatest near the mouths of the Ngakawau and Waimangaroa Rivers. Erosion rates in this CHA are sensitive to changes in sediment supply from the southwest (for example: sealevel rise resulting in build-up of beaches and storage of

	<p>sediment west of the Buller River training walls). Any management practices which affect sediment delivery or movement along the shore within this CHA (i.e., groynes, beach mining or seawalls) have potential to impact on erosion rates/patterns.</p> <p>Flooding: The low-lying coastal land in this CHA is subject to wave washover flooding during storms. This risk is increased by erosion of the gravel barrier at the back of the beach. Extensive property and road flooding occurred during ex-tropical cyclone Fehi. Flood risk will increase with sealevel rise</p> <p>High: Many buildings at risk in the near future, notably the Granity School. Coastal hazards having a severe impact on communities.</p>
CHA 4 Orowaiti Lagoon	<p>Buildings: Many existing houses around the lagoon shore are at risk from flooding and erosion. This includes properties along Snodgrass Road, Orowaiti Road and in low lying areas of northern Westport.</p> <p>Road: The SH67 bridge approaches have been flooded from the lagoon and have also been affected by erosion requiring protection measures. Other minor roads are also threatened. Various 'paper' roads north of Utopia Road have already been lost to erosion.</p> <p>Farmland: Land north of Utopia Road has been lost to erosion. Some of this land is subdivided.</p> <p>Flooding: There are extensive low-lying areas around the lagoon where properties, roads and farmland are threatened by high tides, storm surges and river floods. Sea-level rise will significantly increase this risk in the future.</p> <p>Erosion: Erosion due to mouth migration (generally eastwards) has caused significant land loss in the past and is on-going. Mouth migration can change the exposure of the shore to wave action and can also cause erosion by river flows. Within the lagoon, local wind-waves and river floods can cause bank erosion.</p> <p>High: Houses and roads in low lying areas around Orowaiti Lagoon are at significant risk of flooding from the sea (and/or Buller River flood overflows into the Orowaiti). Within the lagoon the erosion hazard is not too severe and can be managed with the use of bank protection. At the lagoon mouth the hazard processes are much more severe and difficult to manage but there are fewer assets at risk</p>

<p>CHA 5 Carters Beach, from the Buller River mouth to a point level with Bradshaws Road</p>	<p>Recreation facilities: The sports fields of the domain are being affected by erosion and wave overtopping. The unsealed access road between the sports fields and beach (Rotary Road) has been truncated and closed due to erosion.</p> <p>Buildings: Low lying properties behind the domain/sports fields are at risk of flooding during high tides/storm surges. New subdivisions at the west end of the CHA have been set back to manage the erosion risk.</p> <p>Airport: Westport Airport runway extends close to the beach which is currently experiencing erosion. If erosion continues the runway may be threatened.</p> <p>Farmland: Farmland to the east and west of Carters Beach is threatened by erosion and flooding</p> <p>Erosion: The coastline at Carters Beach consists of low-lying sands deposited following the construction of the Buller River training walls (as a result of the dominant west-east longshore transport). There is no vegetation nor significant foredune protecting the backshore, and the coastline position is very sensitive to any change in wave climate or sediment supply. The coastline reached a position of maximum advance around 1981 and since then has eroded by approximately 40 m. It is not known whether this is short-medium term variability as the shoreline settles into a new equilibrium or the start of a longer-term trend relating to either/both a change in wave climate and/or a reduction in the supply of littoral drift sand from the south.</p> <p>Flooding: Land along this section of coast is very low lying and is affected by wave overtopping and flooding. Down-drift effects: The dominant westeast longshore transport drives sediment from this CHA past the Buller River training walls towards CHA3. Actions in this CHA (e.g., groynes, sand mining) have the potential to influence erosion rates to the east of the Buller River.</p> <p>Medium: Erosion and flooding are currently affecting recreation facilities at Carters Beach. If erosion continues at current rates the risk to buildings and the airport will increase.</p>
<p>CHA 6 Omau</p>	<p>Buildings: Several existing buildings (houses and baches), as well as the access to them is threatened. Several currently subdivided plots of land are threatened. The gardens of several existing buildings</p>

	<p>are currently being eroded, as are parts of Clifftop Lane.</p> <p>Erosion: The cliffs at Omau are relatively weak compared to those at Cape Foulwind and are they are retreating as the narrow beach at their base is eroded. Erosion rates are more severe at the eastern end of the CHA. As well as retreat of the cliffs by progressive toe-cutting and slab failure, consideration needs to be given to the risk of broader, lower angle collapse/landslide.</p> <p>Medium: Cliff retreat means that several residences and subdivided plots of land in Omau are likely to be affected by erosion within 50100 years.</p>
CHA 7 Tauranga Bay, from DOC carpark to houses at south end	<p>Recreation facilities: Road access and parking for the Cape Foulwind Walkway (DoC).</p> <p>Erosion: Creek mouth migration threatens parts of the access road and has caused problems in the past requiring erosion protection. Wave driven erosion is affecting parts of the bay and has threatened the parking area.</p> <p>Flooding: Wave washover flooding affects some areas around the bay</p> <p>Low: Hazard processes not severe, erosion protection measures effective at present. The value of assets at risk is relatively low and in the long term it would be possible to relocate access to Cape Foulwind Walkway if required.</p>
CHA 8 Nine Mile Beach, from north end of beach to Parsons Hill, south end of beach	<p>Buildings: Generally, buildings along this stretch of coast are adequately set back to manage their exposure to coastal hazards. With further development and continuing erosion there may be increasing hazards to buildings in the future. Road: Parts of Okari Road are threatened by erosion, particularly near the mouth of the Okari Lagoon. Farmland: Farmland behind Nine Mile Beach is being lost to erosion. Some of this farmland has been subdivided for residential development but generally the subdivision sites are adequately set back to manage the erosion risk.</p> <p>Erosion: Northward longshore transport is resulting in long term erosion of Nine Mile Beach. Erosion rates are fastest at the southern end of the beach, although during Fehi and Gita significant erosion occurred at</p>

	<p>the northern end of the beach. Mouth migration can cause local erosion at much faster rates around the Okari Lagoon mouth and Totara River mouth. Changes or management actions affecting sediment supply to the beach or sediment movement along the beach have the potential to change erosion rates/patterns.</p> <p>Dune Blowouts: The beach is backed by dunes, and dune blowouts can occur as a result of wave/wind action during storms.</p>
	<p>Low: Existing buildings and new development set back sufficiently to not be affected in near future. The risk to new development is being adequately managed by setting back buildings appropriately.</p>
CHA 9 Little Beach	<p>Buildings: Several baches are at high risk of erosion and flooding, with little buffer space left between the beach and the buildings. Road: Beach Road is threatened by erosion</p> <p>Erosion: Long term beach erosion affects the whole of Little Beach.</p> <p>Flooding: Wave washover flooding affects low lying land behind the beach.</p>
	<p>Medium: Limited assets affected but several baches threatened by erosion in near future.</p>
CHA 10 Woodpecker Bay, from BS19 672 484 to the south end of Seal Island BS19 649 449	<p>Road: SH6 is threatened by erosion and flooding at several locations. Buildings: Baches are threatened by erosion and flooding.</p> <p>Erosion: Woodpecker Bay is a pocket beach with limited sediment supplies (main source Fox River). The erosion focus is towards the centre and northern parts of the bay because these areas have greater exposure to south westerly and westerly swells, and experience greater northerly drift. Northerly swells during Fehi caused extensive damage at the southern part of the bay.</p> <p>Flooding: Wave washover flooding affects the land immediately behind the beach. Extensive flooding and wave washover damage occurred during cyclone Fehi.</p>
	<p>Medium: SH6 severely threatened by erosion for an extended distance but few other assets at risk.</p>
	<p>Road: SH6 is very close to the shoreline along the length of this CHA and is threatened in several places.</p>

<p>CHA 11 Maungahura Point to north end of Meybille Bay</p>	<p>Buildings: Several baches between the SH and coast are exposed to erosion and wave washover flooding.</p> <p>Erosion: Long term erosion is occurring along this coast but at a relatively slow rate. Vulnerability to erosion is very variable along this CHA depending on local conditions (geology, sediment supply and sheltering from waves by headlands or offshore rocks).</p> <p>Flooding: Wave washover at high tides can affect lower lying parts of the road and baches, although generally the shoreline slopes quite steeply behind the beach along this CHA.</p> <p>Low: Hazard processes not severe, being managed reasonably effectively through sections of protection work where required.</p>
<p>CHA 12 Punakaiki Village from north of the Pororari River mouth to the south end of the beach in front of the Punakaiki Village</p>	<p>Buildings: Much of Punakaiki Village is threatened, including houses and tourist accommodation (hotels, hostels and motor camp). Road: SH6 is threatened by erosion at the Southern end of the CHA. Recreation: The width of the beach and access to the beach are being affected as erosion of the beach occurs in front of the seawall.</p> <p>Erosion: Long term erosion of the beach is occurring in front of the village as a result of wave attack and northward longshore transport. There is also an erosion risk associated with river mouth migration.</p> <p>Flooding: Storm waves overtopping the beach can cause flooding.</p> <p>High: Continuing erosion very close to buildings in the Village. The recreational value of the beach is being reduced through continuing erosion in front of the seawall.</p>
<p>CHA 13 Punakaiki River beach, from south of Pancake Rocks to Razorback Point</p>	<p>Buildings: Hotel and baches. Road: A short length of SH6 is at risk.</p> <p>Erosion: River mouth migration threatens to erode land at the southern end of the bay. There is little long-term erosion, but short-term shoreline changes do affect the CHA and it is sensitive to any changes in external controls (i.e. sea-level rise or change in sediment supply) which may cause erosion.</p>

	Flooding: Wave washover flooding affects land behind the beach.
	Medium: There is little long-term erosion, but assets located behind the beach have very little buffer space and are very vulnerable to any future changes affecting coastal processes.
CHA 14 Pakiroa (Barrytown) Beach, from just north of Burke Road to just before 17 Mile Bluff at the southern beach end	Farmland: Significant areas of farmland are being lost to erosion. Buildings: Development pressure is increasing along this stretch of coast. Various new subdivisions are being proposed and constructed. Setbacks are being applied to manage their exposure to the erosion hazard.
	Erosion: Long term erosion is the main hazard affecting this CHA. Erosion is being driven primarily by wave driven longshore drift of material from south to north. Erosion rates are highest along the southern to middle parts of the beach with erosion rates reducing further north. There is some accretion at the northern end of the beach. Any management practices which affect sediment delivery or movement along the shore (i.e., groynes, beach mining or seawalls) have potential to impact on erosion rates/patterns. Around creek mouths there are erosion risks associated with mouth migration.
	Flooding: Wave washover flooding affects land behind the beach and flooding can occur at creek mouths due to migration or blockage.
CHA 15 17 Mile Bluff, from the end of CHA14 at 17 Mile Bluff to 10 Mile Creek	Medium: Erosion rates are high along parts of this CHA and although there are few high value assets currently at risk there is increasing development/subdivision pressure.
	Road: SH6 is threatened in several locations along this CHA. Buildings: Several houses/baches to the west of SH6 are at risk.
	Erosion: Erosion of low-lying areas fronted by beaches as well as slope erosion of steeper parts of the coastline can affect parts of this CHA. Erosion risk is very variable along the CHA depending on local geology and wave exposure.
	Flooding: Wave washover flooding can affect lower lying portions of this CHA.

	<p>Low: Erosion rates are generally low, and the hazard is currently being adequately managed through the use of short sections of armour/seawall.</p>
CHA 16 Rapahoe from 1.5km north of Rapahoe to south of Seven Mile Creek	<p>Buildings: Several properties in Rapahoe are at risk of erosion including residences, the pub and campground. Several undeveloped sections are also at risk. Road: SH6 is exposed to erosion for approximately 1km to the north of Rapahoe. Within Rapahoe, Beach Road is already truncated by erosion</p> <p>Erosion: Long term erosion of the shoreline is occurring as a result of sand and gravel removal (by northward transport and abrasion) exceeding supply (from Seven Mile Creek, cliff erosion and probably also bypassing around Point Elizabeth from the South). Depletion and rollover occur on the remnant beach barrier, while wave attack on the bluff at the northern end threatens the stability of the road around the bluff. Creek mouth migration also poses an erosion risk to both the north and south banks of Seven Mile Creek (including parts of the raised terrace to its south). Erosion rates along this CHA vary significantly, predominantly due to the varying exposure to wave energy and direction (due to the sheltering effect of Point Elizabeth).</p> <p>Flooding: Wave washover flooding occurs during storms when waves overtop the gravel barrier.</p> <p>High: On-going processes threaten to erode several properties as well as SH6. Sea flooding will become an increasing problem as more erosion occurs.</p>
CHA 17 Cobden from Point Elizabeth Walkway carpark to Grey River mouth	<p>Buildings: Houses in Cobden are threatened by erosion and flooding. Road: North Beach Road in Cobden is threatened by erosion and flooding. Te Tai o Poutini Plan Section 32 – Report 5 Hazards and Risks 18 Erosion: Long term erosion of the coastline at Cobden is continuing and is now very close to affecting the road and buildings there.</p> <p>Erosion is driven by an imbalance between the supply of sediment from the Grey River and the coast to the south, and the rate at which sediment is removed from the beach by northward longshore transport and abrasion.</p> <p>Flooding: Wave washover flooding threatens the road and properties</p>

	Medium: Ongoing erosion increasingly threatening North Beach Road and houses at north end of Cobden.
CHA 18 Blaketown to Karoro, from the Grey River mouth to between Karoro and South Beach	<p>Airport: The corner of the Greymouth airport runway enclosure at Karoro is threatened with erosion. Recreation: Blaketown beach access is affected by erosion Buildings: Few buildings are currently threatened by erosion although this is a heavily developed CHA and any long-term erosion would cause significant problems.</p> <p>Erosion: Recently, parts of the beach have experienced short term erosion, especially adjacent to the airport runway at Karoro. The causes of this erosion are not fully understood. Down-drift effects: Due to the predominantly South to North drift of sediment, actions in this CHA may affect CHA 17. However, the degree of connectivity between these CHAs, past the Grey River and its training Walls, is not firmly established.</p> <p>Medium: Few assets currently impacted but any long-term erosion would have significant consequences. There is some uncertainty over the degree to which actions in this CHA affect CHA 17.</p>
CHA 19 South Beach to Camerons	<p>Buildings: Several properties including the school, hotel and houses have been affected by flooding. Road: SH6 and local roads have been affected by flooding in the past. Recreation: Wave washover during storms can damage the access road. Previously recreational access to the beach was restricted during periods when the river mouth had migrated a long way north.</p> <p>Flooding: Flooding caused by mouth migration and/or partial/full closure of the New River / Kaimata mouth presents a significant risk along this CHA. River floods can cause flooding to properties in Paroa when the mouth has migrated a long-distance northwards or is partially closed.</p> <p>Erosion: Erosion can occur during mouth migration when the river is forced to extend parallel to the shore. As wave driven longshore transport deposits material into one side of the river mouth, the river erodes land on the opposite side of the mouth and extends the lagoon. Erosion has historically been less of a problem than flooding. Historically, the mouth of the New River / Kaimata has migrated over almost the full length of this CHA. Currently there is little erosion</p>

	<p>risk as the mouth is prevented from northward migration, although the rock bund itself is at risk of erosion during severe river flows and waves.</p>
	<p>Medium: Although flooding has occurred in the past, the current channel management regime appears to have reduced flood risk significantly.</p>
CHA 20 Taramakau, from Camerons to south bank of Arahura River	<p>Road: Serpentine Road immediately south of the Taramakau is at risk of erosion. The northern end of this road is no longer maintained. Farmland: Farmland on both sides of the Taramakau mouth and along the coast between the Taramakau and Arahura Rivers is at risk from erosion. Buildings: There are currently 2-3 buildings within 100 m of the beach around the Awatuna/Waimea Creek area.</p> <p>Erosion: Movement of the Taramakau River mouth can cause erosion on either the south or north banks. Prior to 2006 the mouth was offset to the south and caused erosion of farmland and loss of two houses. Before the late 1990's the mouth flowed to the north with significant erosion affecting the north bank. Migration of the mouths of the Arahura River and the smaller creeks such as Serpentine Creek and Waimea Creek can also cause erosion. Northern mouth migration of Serpentine Creek has previously threatened the bend on Serpentine Road. There is also some risk of coastal erosion away from the river mouths. While there is scant information regarding any long-term erosion trend, short-term (months to decades) erosion/accretion cycles are expected associated with storm and recovery cycles and transient imbalances between sediment supply from the Arahura River and further south and losses due to northward longshore transport and abrasion. Little analysis of open coast erosion along this section of coast is currently available.</p> <p>Flooding: Flooding due to storm waves affects parts of this CHA. Constriction or closure of creek mouths can also cause flooding.</p> <p>Low: Few assets at risk, no management currently carried out.</p>
CHA 21 Hokitika, from south bank of Arahura River to level with end of Golf Links Road, Takutai	<p>Buildings: Parts of the town as well as industrial land and some dwellings on the north of the town are at risk. Recreation: Hokitika beach access, parking and facilities are at risk from coastal hazards. The Sunset Point spit-head is also at risk of erosion, including the</p>

	<p>historic Tambo Shipwreck. Road: SH6 is not threatened in this CHA but various minor roads are at risk. Farmland: Farmland north and south of Hokitika is affected by coastal processes.</p> <p>Erosion: The position of the coastline at Hokitika has historically experienced fluctuations of up to 200m over years to decadal time scales. Erosional and accretional phases tend to migrate northwards and are influenced by the position and orientation of the river mouth. There has been little long-term trend in erosion or accretion observed at Hokitika. During phases of erosion, rapid retreat of the coastline can occur. North of Hokitika, around Houhou Creek, migration of the creek mouth can cause erosion from the creek or by allowing waves to attack the backshore.</p> <p>Flooding: Wave washover flooding can impact land immediately behind the beach. Dune Blowouts: Dune blowouts can occur as a result of wave/wind action during storms, particularly in the southern part of this CHA.</p> <p>High: There are many high value assets at risk on a very dynamic coastline. Current management practices seem to be reasonably effective at managing the erosion risk.</p>
CHA 22 Okarito from south side of Lagoon mouth, around the settlement	<p>Buildings: Parts of Ōkārito settlement are at risk from flooding and erosion including houses, hostels, campground and the airstrip. Road: Roads within Ōkārito are affected by flooding. Recreation: Recreation opportunities are affected by flooding, including historic sites and tourist accommodation.</p> <p>Flooding: Flooding from the Ōkārito Lagoon occurs due to closure of the lagoon mouth. The lagoon can close when waves drive Te Tai o Poutini Plan Section 32 – Report 5 Hazards and Risks 20 sediment across the mouth. Erosion: Lagoon mouth migration can cause erosion</p> <p>Medium: Moderate number of assets affected by flooding from the lagoon. Mechanical opening of lagoon mouth used to manage the risk.</p>
CHA 23 Hunts Beach	<p>Buildings: The settlement at Hunts Beach is becoming more threatened by flooding as the coast continues to erode.</p>

	<p>Flooding: Flooding by wave washover affects land behind the beach. During ex-cyclone Fehi flooding caused severe property damage.</p> <p>Erosion: Erosion by storm waves and mouth migration can affect Hunts beach. Erosion of the shoreline has been observed over at least the past 25 years.</p>
	<p>Low: Whilst Hunts Beach experiences high hazard there are relatively few assets at risk.</p>
CHA 24 Bruce Bay	<p>Road: Approximately 2 km of SH6 runs close behind the beach and is threatened by erosion and flooding. There was severe damage to SH6 during Fehi, with the road washing out. Buildings: Properties (Marae and fishing cabin) on the landward side of SH6 are threatened by wave washover flooding.</p> <p>Erosion: Long term erosion of the coast is occurring as well as cyclic changes associated with changes in the position of the Mahitahi River mouth. Erosion by river flows due to mouth migration can affect the highway adjacent to the mouth.</p> <p>Flooding: Wave washover flooding can affect the highway and properties during storms.</p>
	<p>Low: Hazards are severe but other than SH6 there are few assets at risk</p>
CHA 25 Putaiwhenua/Okuru to Waitoto/Waiatoto, from north of Okuru River mouth to south of Waiatoto Lagoon	<p>Buildings: Various residences and undeveloped subdivisions in Okuru are at risk on both the north and south sides of the Okuru Lagoon backshore. Infrastructure: Power pylons on the Waiatoto Lagoon backshore have previously been affected by erosion. The rubbish tip south of Hannahs Clearing has also been threatened with erosion. Farmland: Farmland along this CHA is affected by erosion. Road: Parts of the Jackson Bay Road pass close to the shoreline and/or lagoon backshore and could be threatened by erosion in the future.</p> <p>Erosion: The mouths of the Okuru/Turnbull/Hapuka Rivers and Waiatoto River both migrate over several kilometres of separate sections of this CHA. At both lagoons the position of the river mouth can change the exposure of the lagoon backshore to river flows and wave action which in turn can cause erosion. In addition to erosion as a result of river mouth migration there is also erosion of the open coast on this CHA.</p>

	<p>Flooding: Lagoon mouth closure can cause flooding of low-lying land and buildings around the lagoons. Wave washover flooding affects parts of this CHA. Dune blowouts: The beach is backed by dunes, and dune blowouts can occur as a result of wave/wind action during storms.</p> <p>Medium: Past episodes of erosion have seriously threatened residences in Okuru, the Hannahs Clearing rubbish dump, and the power lines at Waiaototo Lagoon.</p>
CHA 26 Neils Beach, from east of Arawhata River mouth to Jackson Bay	<p>Buildings: Neils Beach has approximately 15 houses. The properties most at risk are approximately 80 m from the current high tide mark (Oct 2015). In Jackson Bay township several low-lying buildings are at risk of inundation. Infrastructure: The north end of the Neils Beach airstrip is within approximately 30m of the beach and is at risk of erosion if the current trend continues Farmland: There is little actively farmed land around Neils Beach. A small paddock owned by a MāoriTrust exists between the houses and the beach and is being actively eroded (Oct 2015). Road: From approximately 1 km West of the Neils Beach turning the Jackson Bay Road passes close to the shoreline and is threatened by erosion. The informal access track from Neils Beach to the Arawhata River mouth has been eroded in places.</p> <p>Erosion: The main hazard affecting Neils Beach is erosion. Over the period 2010-2015 the shoreline at Neils Beach experienced high erosion rates of 3-4 m per year but prior to this the shoreline was much more stable. There is little/no sediment supply passing around Jackson head from the south so the only sediment supplies to this stretch of coastline are from local landslides/streams between Jacksons Bay and Neils Beach and the Arawhata River. For this reason, the stability of the shoreline is very dependent on the position and orientation of the Arawhata mouth and its recent flood history. A westerly mouth location appears to encourage sediment storage on Neils Beach while an easterly mouth "drains" this storage and promotes erosion. It is unclear to what extent the current erosion is part of short-term variability due to river mouth processes or a longer-term trend (e.g. driven by a waning sediment supplies or sea-level rise). Erosion potential at Jacksons Bay township is limited by existing rock/rubble walls, but erosion potential will increase with sea level rise.</p>

	<p>Flooding: There is likely a risk of flooding from the Arawhata River, particularly if the mouth is constricted by a high beach barrier which is not rapidly eroded on the rising limb of a flood. Also, the risk of sea flooding will increase if the erosion of the foredune fronting the Neils Beach village continues. This is because locally the erosion has already removed the dune crest, lowering the natural protective barrier. Flooding is the main hazard in Jackson Bay township. High sea levels will flood up Seacombe Creek onto the adjoining roads, carpark, and the private property alongside Pier Street.</p> <p>Medium: The current erosion rate is high and is starting to threaten parts of the road and runway. There is still a reasonable buffer before any houses will be directly affected by erosion.</p>
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Reference: Measures, R. & Rouse, H. (2022) Review of West Coast Regional Council Coastal Hazard Areas, prepared for West Coast Regional Council, NIWA client report CHC2022-081

2.1.6 Poutini Ngāi Tahu –West Coast Regional Council Mana Whakahono ā Rohe

WCRC, Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu signed a Mana Whakahono ā Rohe in October 2020. This outlines in detail the relationship between the parties and how they will work together around resource management. There are some key sections which have guided the development of Te Tai o Poutini Plan.

Sections 3.18 – 3.23 recognise Poutini Ngāi Tahu historic heritage and cultural landscapes and practices – wāhi tupuna, wāhi tapu, urupā, Poutini Ngāi Tahu archaeological and cultural sites, kōiwi tangata and taonga (collectively Poutini Ngāi Tahu Heritage). It is identified that Poutini Ngāi Tahu Heritage is recorded within planning instruments, that there is a whakapapa relationship of Poutini Ngāi Tahu with Poutini Ngāi Tahu Heritage and that impacts on Poutini Ngāi Tahu Heritage are impacts on Poutini Ngāi Tahu. It recognises the Poutini Ngāi Tahu should participate in decisions that impact on Poutini Ngāi Tahu Heritage.

Section 4 recognises the importance of Iwi Management Plans and that they shall inform the development of planning frameworks, instruments and documents, as well as decisions on individual resource consents. Acting in accordance with iwi management plans is agreed as the primary means by which a Treaty partnership approach to resource management in the region can be achieved.

3. Resource Management Issue and Analysis

3.1 Background

Section 31 of the RMA gives District Councils the responsibility of controlling any actual or potential effects of the use, development, or protection of land for the purpose of the avoidance or mitigation of natural hazards..

3.1.1 Operative Plan Provisions

The operative Buller, Westland and Grey District Plans were prepared prior to the management of significant risks of natural hazards being added into Section 6 of the RMA.

The Grey District Plan has one objective and four policies around natural hazards but does not map any specific natural hazard overlay areas.

The Buller District Plan has one objective and five policies around natural hazards and includes mapped natural hazards at Punakaiki (rock fall), Little Wanganui (rock fall and debris flow), Mokihinui (flooding) and Hector – Miko coastline (debris flow) but no mapped coastal natural hazards.

The Westland District Plan has one objective and two policies around natural hazards and includes mapped natural hazards at Hokitika (coastal erosion) and the Waiho River (flood hazard).

The three operative plans all reflect a combination of two factors – a limited level of knowledge around the type and extent of natural hazards on the West Coast and their development being undertaken prior to natural hazards becoming a Section 6 matter in the RMA.

Natural hazards have been a consideration as part of subdivision consents across all three districts. The pressure for coastal development as well as the ad hoc growth of rural lifestyle blocks means that the number of dwellings and extent of community risk has significantly increased over time. Combined with the effects of climate change, which is evident from the frequency of severe weather events effecting the West Coast, the hazardscape is considerably elevated compared with the time at which the three operative plans were written.

3.1.2 Proposed Te Tai o Poutini Plan

Te Tai o Poutini Plan (TTPP), the combined proposed District Plan for the West Coast, was notified on 14 July 2022.

The TTPP identifies and regulates a wide range of hazards including:

- Flood hazards
- Earthquake hazards
- Land instability hazards
- Lake tsunami hazards
- Coastal tsunami hazards
- Coastal erosion hazards
- Coastal flooding/inundation hazards

These hazards are managed through the Plan through the identification of specific mapped hazard overlays, and rules that relate to that specific hazard.

The s32 report for the proposed TTPP – Te Tai o Poutini Plan Section 32 Report 3 Hazards and Risks Part One Natural Hazards (<https://tppp.nz/proposed-tppp-plan/section-32-reports/>) outlines the overall natural hazard framework and background to this and I do not repeat this information here.

The TTPP includes mapped areas of Coastal Hazard Severe, Coastal Hazard Alert and Coastal Setback overlays across the West Coast. The following reports and analysis were used to inform the development of these overlays.

Title	Review of West Coast Region Coastal Hazard Areas, v2. NIWA. February 2022
Author	Measures, R. and Rouse, H
Brief Synopsis	Review and assessment of Coastal Hazard Areas (CHA) for the West Coast Region, prepared for the Regional Coastal Plan, updated following Cyclone Fehi. CHAs have been identified and prioritised based on a risk assessment which considers not only the level of hazard, but also assets at risk. Extensive stretches of the West Coast which experience high levels of hazard from erosion and flooding have not been included in CHAs because they have no/few assets at risk. Similarly, CHAs may be given low priority because of the small amount of at-risk assets, even though the hazards are severe.
Link to Document	https://tppp.nz/wp-content/uploads/2022/04/CHA_2022-Measures-andRouse.pdf

Title	Omau Cliffs Subdivision, Geotechnical Assessment Report. WSP
Author	Omau Cliffs Subdivision, Geotechnical Assessment Report. WSP
Brief Synopsis	Geotechnical report prepared for a proposed subdivision at Omau / Cape Foulwind. This report summarises the findings of the geotechnical investigation and assessment of Lot 1 to 23 and presents development conditions and recommendations for future works within the lots in terms of allowable building areas, earthworks, stormwater and foundations.
Link to Document	Geotechnical report prepared for a proposed subdivision at Omau / Cape Foulwind. This report summarises the findings of the geotechnical investigation and assessment of Lot 1 to 23 and presents development conditions and recommendations for future works within the lots in terms of allowable building areas, earthworks, stormwater and foundations.

Title	Mapping for priority coastal hazard areas in the West Coast Region, March 2022
Author	Bosserelle, C. and Allis, M.

Brief Synopsis	<p>Detailed assessment of areas identified in the proposed Regional Coastal Plan as Coastal Hazards Areas to inform development of TTPP overlays. This study maps areas susceptible to coastal erosion and inundation, it does not include other hazards such as tsunami or river flooding. Coastal erosion and inundation hazards were assessed, and hazard area mapped. The erosion hazard assessment is completed using a hybridprobabilistic approach that accounts for available shoreline data and derived trends but also allow for expert judgment to account for effect that are difficult to quantify and/or where no/limited data is available. The study also mapped land exposed to coastal flood inundation from extreme storm-tides, wave setup and sea level rise. Inundation hazard assessment is completed using a hydrodynamics model for Westport/Orowaiti area and static ("bathtub") for other CHA.</p> <p>The modelling work that informed this report was undertaken using spatial information provided from Space Shuttle data for much of the West Coast, due to the unavailability of LIDAR.</p>
Link to Document	https://tppp.nz/wpcontent/uploads/2022/04/WCRC_CHA_Report_1.1_Final.pdf

In relation to the three coastal hazards that are the subject of this Variation, the relevant Plan rules that relate to the overlays are:

- NH-R38 Repairs and Maintenance to Existing Buildings in the Coastal Severe and Coastal Alert Overlays
- NH-R39 New Unoccupied Buildings and Structures in the Coastal Severe and Coastal Alert Overlays
- NH -R40 Additions and Alterations for Commercial and Industrial Buildings and Critical Response Facilities in the Coastal Severe and Coastal Alert Overlays
- NH -R41 Additions and Alterations of Existing Buildings used for Sensitive Activities in the Coastal Severe and Coastal Alert Overlays
- NH -R42 New Commercial, Industrial, or Critical Response Facilities Buildings, Additions and Alterations to Commercial, Industrial or Critical Response Facilities Buildings not meeting Permitted Activity Standards
- NH – R43 Coastal Alert Overlay: New Buildings for Sensitive Activities and Additions and Alterations of existing Buildings that increase the net floor area for Sensitive Activities
- NH – R44 Coastal Severe Overlay: New Buildings for Sensitive Activities and Additions and Alterations of Buildings that increase the net floor area for Sensitive Activities
- NH -R45 New Buildings for Sensitive Activities in the Coastal Setback Overlay
- NH – R46 New Buildings for Sensitive Activities in the Coastal Setback Overlay not meeting Restricted Activity Standards

3.1.2 Development of Draft Variation Mapping

At the time of notification of TTPP, LIDAR for the West Coast was being flown. It was acknowledged at that time that it would be preferable that LIDAR was used to underpin the coastal inundation modelling, as this gives a much higher degree of accuracy.

In addition the Coastal Setback overlay was applied as a blanket 100m precautionary layer, along the coastline in all locations where the inundation modelling had not been undertaken.

By early 2023 LIDAR became available for the majority of the West Coast, with the exception of the area in Buller District north of Mokihinui.

This enabled the inundation modelling to be re-run, using this more accurate spatial data. No changes were made to the model were made, other than the inclusion of this more accurate spatial data and the same NIWA staff who did the proposed TTPP analysis, undertook the re-run of the model. Because LIDAR was now available for a much larger area of extent of the West Coast than the Space Shuttle data, the inundation modelling was also able to be undertaken for all areas south of Mokihinui where the Coastal Setback overlay was in place.

Title	Mapping for priority coastal hazard areas in the West Coast Region Coastal inundation hazard update using 2022 LiDAR, March 2023
Author	Bosserelle, C. and Allis, M.
Brief Synopsis	Report that outlines the update of the inundation modelling undertaken with the new, more accurate LIDAR data. The study mapped land exposed to coastal flood inundation from extreme storm-tides, wave setup and sea level rise.
Link to Document	https://tppp.nz/wp-content/uploads/2023/11/2023-03-NIWA-CHA-Rpt-inundation-only-update-for-7-CHAs-but-ex-Westport-LiDAR2022.pdf

As part of the update to the modelling NIWA provided new, updated shape files for the Coastal Hazard Severe, Coastal Hazard Alert and Coastal Setback overlays, which reflect the updated modelling. These have been used as the new overlay maps for this Variation.

3.2 Consultation and engagement

The updated mapping was first presented to the TTPP Committee on 18 April 2023. The report outlined the degree of change from the proposed TTPP overlays.

Title	Te Tai o Poutini Plan – Updates to Coastal Hazards Mapping
Author	Lois Easton
Brief Synopsis	Report that outlines the update of the inundation modelling undertaken with the new, more accurate LIDAR data and implications for TTPP. Identifies the need to prepare a

	Variation to provide more accurate updated coastal hazard overlays.
Link to Document	https://tppp.nz/wp-content/uploads/2023/04/TTPP-Committee-Meeting-Agenda-18-April-2023.pdf

After presentations to staff and elected representatives at the three district councils outlining the updated mapping and its implications for the West Coast, a further report was brought to the TTPP Committee in October 2023.

Title	Update to Proposal to Prepare a Coastal Hazards Variation to the Plan
Author	Lois Easton
Brief Synopsis	Report outlining the proposed approach to undertaking the Variation including the consultation approach proposed around the draft maps. Identifies consultation to be undertaken over November – December 2023.
Link to Document	https://tppp.nz/wp-content/uploads/2023/10/Agenda_Te_Tai_o_Poutini_Plan_Committee_12_October_-2023.pdf

A map viewer showing the proposed Plan maps and the draft Variation maps was developed and made available on the TTPP website.

A consultation plan was developed and implemented to invite public engagement with the draft Variation. This included:

- Public notices in the papers
- Information on the Facebook pages of the Councils
- A letter being sent to all submitters on the Coastal Hazard provisions of TTPP
- Information provided on the TTPP website.
- Inclusion of the mapping tool hosted on the TTPP website that shows the draft Variation
- Production of information sheets that explain the draft Variation and its potential impacts.

Alongside this a series of consultation meetings were held across the West Coast during November. Based on a community request, a further online meeting was also held.

Twenty-four persons and organisations provided written feedback on the draft Variation. Feedback was also collected verbally at the community meetings. Key points raised in the feedback were:

- Almost all people providing feedback opposed the Variation
- People felt that coastal protection works are needed and should be supported
- Many people do not understand or agree with the methodology used
- Concern expressed from people who don't believe sufficient weight has been placed on existing erosion protection structures

- Concern about transition and managed relocation options
- Need for guidance on how to manage risks for existing communities
- Decisions should be made based on individual acceptance of risk
- Concern about effects on property values and insurance
- Opposition to a regulatory approach
- Concern about confusion created from including areas adjacent to the Westport Hazard Overlay at Snodgrass Road.

An overview of their feedback and response to this is contained in a report that was presented to the TTPP Committee on 14 February 2024, as per details below.

Title	Te Tai o Poutini Plan – Feedback on Draft Coastal Hazards Variation to the Plan and Recommendation to Proceed with Variation
Author	Lois Easton
Brief synopsis	Summarises feedback from consultation and recommends adoption of Variation for notification.
Link to Document	https://tppp.nz/wp-content/uploads/2024/02/Agenda-Te-Tai-o-Poutini-Plan-Committee-14-February-2024.pdf

The TTPP Committee considered the feedback and sought further information from officers and NIWA in response to the points raised in the feedback. This was considered by the Committee at its meeting on 29 April 2024. A detailed presentation by Dr Bosserelle explaining the methodology to undertaken the coastal hazard mapping was also made and is available online as per the details below.

Title	Te Tai o Poutini Plan – Draft Coastal Natural Hazards Variation – Further Information and Recommendation to Proceed with Variation
Author	Lois Easton
Brief synopsis	Provides contextual information around the draft Variation and analyses the implications of proceeding vs retaining the proposed Plan maps.
Link to Document	https://tppp.nz/wp-content/uploads/2024/04/Agenda-Te-Tai-o-Poutini-Plan-Committee-29-April-2024-Memorandum.pdf

At this meeting the TTPP Committee resolved to proceed with the Variation and notify it for submissions on 27 June 2024.

4. Scale and Significance Evaluation

The level of detail undertaken for the evaluation of the Proposed Variation has been determined by an assessment of the scale and significance of the implementation of these provisions. The scale and significance assessment considers the

environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following:

	Minor	Low	Medium	High
Degree of change from the Operative Plans				x
Degree of change from the Proposed TTPP			x	
Effects on matters of national importance (s6 RMA)			x	
Scale of effects – geographically (local, district wide, regional, national)			x	
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)			x	
Scale of effects on those with particular interests, e.g. Tangata Whenua		x		
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?		x		

Likelihood of increased costs or restrictions on individuals, businesses or communities			X	
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4.1 Explanation Summary

The level of detail of analysis in this report is moderate. The updated mapping represents a significant change in terms of properties identified as affected by natural hazards compared to the operative plans. There is a lesser degree of change when compared to the proposed TTPP.

The proposal relates to the required recognition and provision for management of the significant risks from natural hazards as a matter of national importance (Section 6). It also requires the Council to have particular regard to the maintenance and enhancement of the quality of the environment, and the effects of climate change (Section 7). Section 106 requires the consideration for all risks from natural hazards in subdivision consent applications.

The proposal will affect communities and individuals.

The Proposed Variation is a key tool to reduce vulnerability to risk, to increase the communities' resilience to and recovery from disasters and encouraging connectedness and well-being. The scale of effects on people is moderate. All the areas identified within the Proposed Variation overlays are known areas of significant natural hazard risk. As much as they have been able (e.g. through Building Consent mechanisms and existing Operative Plan provisions) the three district councils have already been managing the natural hazard risk and applying requirements such as geotechnical design and freeboard allowances. By accurately mapping the areas subject to the most significant risk this targets the provisions better.

Buildings and land affected by the proposed mapped areas are owned by private landowners who may raise concerns with the restrictions on their private property rights, and with hazards identified on their properties due to resale and insurance implications. However, the TTPP restrictions only come into effect if the landowners are proposing activities that trigger rules in the TTPP. In the majority of instances, the restrictions will have little effect on the day-to-day operation and function of businesses and residences. Many landowners are already aware of being within a hazard area. From a public good perspective, future generations will benefit greatly from the improved management of natural hazards.

Poutini Ngāi Tahu are actively considering the impacts of natural hazards on their whenua. Both papatipu runanga have long term aspirations to provide safe options for the future, with a lower hazard risk.

The management of significant risks from natural hazards is a s6 RMA matter that is one of the district council functions under ss31(1)(b)(i) and 74(1)(b) RMA, and must be undertaken to give effect to the NZCPS and the WCRPS. Provisions to manage natural hazards have the potential to affect a wide range of people. Additional

consenting information requirements can impose additional costs, however the costs to people and the environment could also be high if hazards are not appropriately managed.



Overall, it is considered that the scale and significance of the proposal is moderate. The level of detail in this report corresponds with the scale and significance of the environmental, economic and cultural effects that are anticipated from the implementation of the Variation provisions.

4 Evaluation of the Proposed Variation

4.1 Description of the Proposed Provisions

The Variation alters three of the natural hazard overlays in TTPP – the Coastal Hazard Severe, Coastal Hazard Alert and Coastal Setback Overlay.

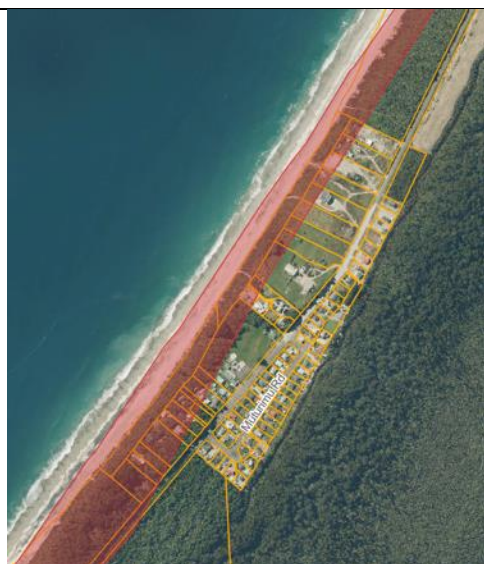
A comparison showing where there are significant mapping differences between the proposed TTPP and the proposed Variation are shown in the maps below:

Proposed TTPP	Proposed Variation
Key <div><div>Coastal Alert</div><div>Coastal Severe</div><div>Coastal Setback</div></div>	
Jackson Bay	
	

Neil's Beach



Hannah's Clearing



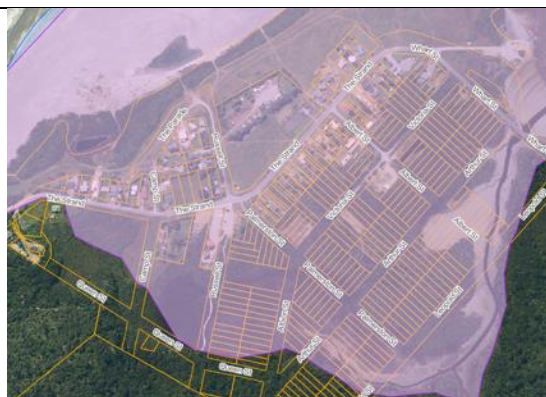
Okuru



Bruce Bay



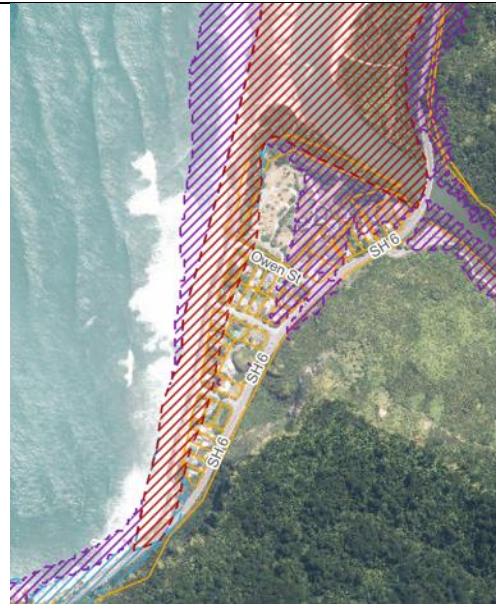
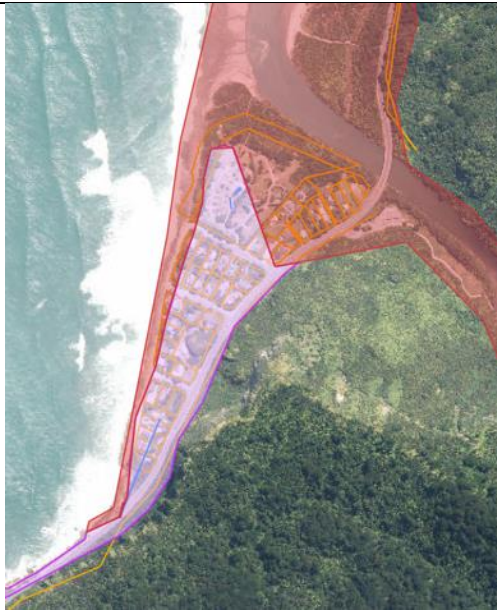
Ōkarito



Rapahoe



Punakaiki



Charleston



Omau



Carter's Beach





4.2 Differences Between the proposed TTPP and the Variation Mapping

There are significant differences between the proposed Plan and Variation mapping. A GIS analysis has been undertaken to look at the number of properties affected and this is outlined in the table below. Key points to note are that there are a large number of properties that are identified as being in a coastal hazard area in the proposed TTPP, where the updated mapping does not have these properties affected. No differentiation has been made in terms of ownership of the titles in this analysis with many of the titles, particularly in Westland District, falling within Public Conservation Land rather than private ownership.

	Notified Plan Maps	Variation Maps
Buller District – Coastal Alert	948 titles – 655 with more than	676 titles – 379 with more than

	50% of the property affected	50% of the property affected
Buller District – Coastal Severe	319 titles – 212 with more than 50% of the property affected	342 titles – 207 with more than 50% of the property affected
Buller District – Coastal Setback	146 titles – 70 with more than 50% of the property affected	168 titles – 11 with more than 50% of the property affected
Total Buller Properties Affected	1413 titles – 927 with more than 50% of the property affected	1186 titles – 597 with more than 50% of the property affected
Grey District – Coastal Alert	499 titles – 312 with more than 50% of the property affected	88 titles – 29 with more than 50% of the property affected
Grey District – Coastal Severe	32 titles – 24 with more than 50% of the property affected	13 titles – 10 with more than 50% of the property affected
Grey District – Coastal Setback	13 titles – 4 with more than 50% of the property affected	52 titles – 14 with more than 50% of the property affected
Total Grey Properties Affected	544 titles – 340 with more than 50% of the property affected	153 titles – 53 with more than 50% of the property affected
Westland District – Coastal Alert	356 titles – 228 with more than 50% of the property affected	722 titles – 324 with more than 50% of the property affected
Westland District – Coastal Severe	210 titles – 145 with more than 50% of the property affected	159 titles – 97 with more than 50% of the property affected
Westland District – Coastal Setback	124 titles – 48 with more than 50% of the property affected	89 titles – 6 with more than 50% of the property affected
Total Westland Properties Affected	690 titles – 228 with more than 50% of the property affected	970 titles – 427 with more than 50% of the property affected
Total Region Wide Properties Affected	2647 titles – 1698 with more than 50% of the property affected	2309 titles - 1077 with more than 50% of the property affected

This analysis shows that in total there are 338 fewer properties affected by the draft Variation maps, than are shown in the proposed Plan. However, the spread of this is not even. Across Buller and Grey District there are significant decreases in the numbers of properties affected – but in Westland District there are significantly more properties affected. This is due to the flat topography in South Westland, in particular, and the updated coastal inundation maps show the hazard goes much further inland than the notified Plan maps.

It is also important to note that in all the districts there are “winners” and “losers” – the water still has to go somewhere, and what the LIDAR does is enable much better analysis of where the water will go. This means that some properties will not be affected, but others, not shown in the proposed Plan maps, are identified as a property that will be affected. Additionally, some properties will have their hazard level change eg from Coastal Setback to Coastal Alert – or vice versa.

4.2 Evaluation of Options

For this evaluation two options have been considered – Option A is the status quo, with the provisions of the Proposed Plan as Notified. Option B is the proposed Variation.

Option	Benefits	Costs	Efficiency and Effectiveness	Risk of Acting/Not Acting
Option A: Proposed Plan as Notified	<p>There are hazard provisions already in the Plan.</p> <p>Some property owners who are at risk of a hazard have been correctly identified as having a hazard layer on their property.</p>	<p>Known incorrect maps in the Plan.</p> <p>Risk that development could occur in known hazard areas that are unrestricted due to incorrect maps.</p> <p>Some property owners who are not at risk of a hazard have a hazard layer on them creating additional costs and regulatory requirements. May also affect insurance for these properties even though they are not at risk.</p> <p>The Maps would still exist – the Councils can't "unknow" the information. This could undermine confidence in the coastal natural hazards provisions for the insurance and property sector</p> <p>Creates a confused regulatory situation – building consents would be required to use the correct information.</p>	<p>Current coastal hazard maps are now known to be inaccurate and not reflect the most up to date information. Building Act processes will use the most up to date maps which will create confusion and uncertainty.</p> <p>It is not efficient or effective to have confusing or uncertain provisions.</p>	<p>The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal.</p> <p>It is considered that there is certain and sufficient information about the mapping information as this has been developed based on a nationally consistent approach.</p>
Option B: Proposed Variation	<p>Means that known incorrect maps are replaced.</p> <p>Known properties which are prone to natural hazards are identified via maps in TTPP. This ensures property owners, developers and the community</p>	<p>Hearing of submissions on coastal hazard provisions would be delayed until the Variation hearing likely early in 2025.</p> <p>Some property owners who thought they were not in a hazard area will now be affected. They will face reduced development opportunities and</p>	<p>The proposed maps are a more effective and efficient option than the proposed Plan as they are more accurate and based on the most up-to-date science.</p> <p>The proposed approach is consistent with the NZCPS and</p>	<p>There is considerable national experience with the use of coastal hazard overlays and use of LIDAR for modelling is now regarded as good practice.</p> <p>The large amount of technical work done on the extent of the hazard areas, and degree of risk</p>

	<p>have access to the information about the risk of natural hazards.</p> <p>Property owners who are not at risk of a hazard will have this identification removed from their property thereby avoiding future costs for them.</p> <p>Reduces risk that development could occur in known hazard areas. Avoiding the establishment of hazard sensitive activities in areas at risk from natural hazards will limit exposure of additional people and property to significant risk.</p> <p>Over time social disruption in natural hazard events will be reduced as TTPP provisions help reduce the risk to people and property.</p> <p>Over time reduction in requirements for insurers/uninsured homeowners to pay out on destroyed and damaged properties as aspects such as freeboard requirements, and managed retreat are put in place.</p> <p>Correctly identifying areas where new subdivision and development should be avoided will reduce the pressure to expand the extent of coastal protection works – which are a significant cost to communities and can in themselves have significant environmental and cultural impacts.</p>	<p>potential constraint on some activities for areas identified at risk from natural hazards.</p> <p>Insurers may react to hazard identification of additional properties identified and refuse to insure them.</p> <p>Effect on land values for those properties identified in particularly the Coastal Severe and Coastal Alert Hazard overlays.</p>	<p>gives effect to Section 6 of the RMA.</p>	<p>has been verified in many instances through the extent and areas affected by actual natural hazard events on the West Coast and there is a good degree of certainty around the accuracy of the mapping through the use of the LIDAR information.</p> <p>The TTPP Committee has sufficient information to determine the effect of the provisions.</p>
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	<p>Submissions on proposed Plan coastal hazard maps and rules and the Variation maps heard together – a clear process</p> <p>Clear message to insurance sector that the TTPP natural hazards provisions are science and evidence based</p> <p>Clear regulatory situation – building consent processes aligned with TTPP.</p>			
<p>Quantification: Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p>				
<p>Summary: The benefits of accurately identifying areas where natural hazards occur through the updated overlay maps outweigh the costs.</p> <p>In order to meet the requirements of the WCRPS and the RMA the most appropriate option is Option B: Proposed Variation.</p> <p>The proposed provisions are considered to be the most effective means of achieving the TTPP objectives at this time as together they will:</p> <ul style="list-style-type: none"> • give effect to the NZCPS and WCRPS • enable the councils to fulfil their statutory obligations, particularly s6(h) of the RMA • ensure that adverse effects of natural hazards are managed appropriately by identifying the areas where these need to be managed • enable the councils to effectively administer TTPP and to monitor the outcomes of the proposed provisions in a clear and consistent manner. 				

5. Summary

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA.

The evaluation demonstrates that this proposal is the most appropriate option: -

The updated coastal hazard maps will provide greater certainty to plan users on the locations where development is at risk of coastal hazards and where it can be undertaken more safely.

Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.

Te Tai o Poutini Plan – Section 32 Evaluation

Report Five

Natural Environment Values – Ngā Uara Taiao Aotūroa

Ecosystems and Biodiversity -Ngā Pūnaha Rauropi me te
Kanorau Koiora

Natural Features and Landscapes - Ngā Āhua me ngā
Horanuku Aotūroa

Coastal Environment – Te Taiao o te Takutai

Natural Character and Water



Te Tai o Poutini
PLAN

A combined district plan for the West Coast

Table of Contents

Executive Summary	6
Ecosystems and Indigenous Biodiversity	6
Landscapes and Natural Features	7
The Coastal Environment	8
Natural Character – Freshwater	9
Part One: Ecosystems and Indigenous Biodiversity/ Ngā Pūnaha Rauropi me te Kanorau Koiora.....	11
1.0 Overview and Purpose.....	11
1.1 Introduction to the Resource Management Issue	11
1.2 Regulatory and Policy Direction.....	12
1.2.1 Part 2 of the RMA	12
1.2.2 National Instruments	13
1.2.3 National Planning Standards and/or Guidance Documents	13
1.2.4 Regional Policy and Plans	14
1.2.5 Poutini Ngāi Tahu Iwi Management Plans	16
1.2.6 Poutini Ngāi Tahu –West Coast Regional Council Mana Whakahono ā Rohe	16
1.2.7 Other Legislation.....	16
2.0 Resource Management Issue and Analysis	17
2.1 Background	17
2.2 Evidence Base - Research, Consultation, Information and Analysis undertaken	18
2.2.1 Research	18
2.2.2 Consultation and Engagement.....	23
2.2.3 Poutini Ngāi Tahu Advice	25
2.3 Operative District Plan Provisions.....	25
2.3.1 Buller District Plan	25
2.3.2 Grey District Plan	28
2.3.3 Westland District Plan	28
2.3.4 Analysis of combined operative district plan approaches	30
2.4 Analysis of Best Practice – How Other Councils are Addressing the Same Issue	32
2.5 Summary of Issues Analysis	33
3.0 Scale and Significance Evaluation	34
3.1 Explanation Summary	34
4.0 Evaluation.....	35
4.1 Evaluation of Objectives.....	35
4.1 Evaluation of Policies and Rules in relation to Ecosystems and Indigenous Biodiversity..	37
4.1.1 Description of the Proposed Provisions.....	37
4.2.2 Evaluation of Options around Ecosystems and Indigenous Biodiversity	40
5.0 Summary.....	46

Part Two: Natural Features and Landscapes/Ngā Āhua me ngā Horanuku Aotūroa.....	47
6.0 Overview and Purpose	47
6.1 Introduction to the Resource Management Issue	47
6.2 Regulatory and Policy Direction.....	47
6.2.1 Part 2 of the RMA	47
6.2.2 National Instruments.....	48
6.2.3 National Planning Standards.....	48
6.2.4 Regional Policy and Plans	49
6.2.5 Poutini Ngāi Tahu Iwi Management Plans	51
6.2.6 Statutory Acknowledgements	51
6.2.7 Poutini Ngāi Tahu –West Coast Regional Council Mana Whakahono ā Rohe	52
6.2.8 Other Legislation.....	52
7.0 Resource Management Issue and Analysis	53
7.1 Background	53
7.2 Evidence Base – Research, Consultation, Information and Analysis undertaken	53
7.2.1 Research	53
7.2.2 Consultation and Engagement.....	56
7.2.3 Poutini Ngāi Tahu Advice	57
7.3 Operative District Plan Provisions.....	58
7.3.1 Buller District Plan	58
7.3.2 Grey District Plan	60
7.3.3 Westland District Plan	61
7.3.4 Analysis of combined operative district plan approaches	63
7.4 Analysis of Best Practice – How Other Councils are Addressing the Same Issue	64
7.5 Summary of Issues Analysis.....	65
8.0 Scale and Significance Evaluation.....	65
8.1 Explanation Summary	66
9.0 Evaluation.....	66
9.1 Evaluation of Objectives.....	66
9.2 Evaluation of Policies and Rules in relation to Natural Features and Landscapes	68
9.2.1 Description of the Proposed Provisions.....	68
9.2.2 Evaluation of Options around Natural Features and Landscapes.....	72
10.0 Summary.....	75
Part Three: The Coastal Environment - Te Taiao o te Takutai	76
11.0 Overview and Purpose	76
11.1 Introduction to the Resource Management Issue	76
11.2 Regulatory and Policy Direction.....	79
11.2.1 Part 2 of the RMA	79
11.2.2 National Instruments.....	79
11.2.3 National Planning Standards and/or Guidance Documents	80
11.2.4 Regional Policy and Plans	81
11.2.5 Poutini Ngāi Tahu Iwi Management Plans	83
11.2.6 Statutory Acknowledgements	83
11.2.7 Poutini Ngāi Tahu –West Coast Regional Council Mana Whakahono ā Rohe	84
11.2.8 Other Legislation.....	84

12.0 Resource Management Issue and Analysis	85
12.1 Background	85
12.2 Evidence Base – Research, Consultation, Information and Analysis undertaken	85
12.2.1 Research	85
12.2.2 Consultation and Engagement.....	89
12.2.3 Poutini Ngāi Tahu Advice	90
12.3 Operative District Plan Provisions.....	90
12.3.1 Buller District Plan	90
12.3.2 Grey District Plan	92
12.3.3 Westland District Plan	92
12.3.4 Analysis of combined operative district plan approaches	93
12.4 Analysis of Best Practice – How Other Councils are Addressing the Same Issue	93
12.5 Summary of Issues Analysis.....	94
13.0 Scale and Significance Evaluation	94
13.1 Explanation Summary	95
14.0 Evaluation	96
14.1 Evaluation of Objectives	96
14.2 Evaluation of Policies and Rules in relation to the Coastal Environment	97
14.2.1 Description of the Proposed Provisions.....	97
14.2.2 Evaluation of Options around the Coastal Environment	102
15.0 Summary.....	106
Part Four: Natural Character and Water	107
16.0 Overview and Purpose	107
16.1 Introduction to the Resource Management Issue	107
16.2 Regulatory and Policy Direction.....	108
16.2.1 Part 2 of the RMA	108
17.2.2 National Instruments	108
17.2.3 National Planning Standards and/or Guidance Documents	109
17.2.4 Regional Policy and Plans	110
17.2.5 Poutini Ngāi Tahu Iwi Management Plans	113
17.2.6 Statutory Acknowledgements	113
17.2.7 Poutini Ngāi Tahu –West Coast Regional Council Mana Whakahono ā Rohe	114
17.2.8 Other Legislation.....	114
18.0 Resource Management Issue and Analysis	115
18.1 Background	115
18.2 Evidence Base – Research, Consultation, Information and Analysis undertaken	115
18.2.1 Research	115
18.2.2 Consultation and Engagement.....	117
18.2.3 Poutini Ngāi Tahu Advice	118
18.3 Operative District Plan Provisions.....	118
18.3.1 Buller District Plan	118
18.3.2 Grey District Plan	120
18.3.3 Westland District Plan	120
18.3.4 Analysis of combined operative district plan approaches	121

19.4	Analysis of Best Practice – How Other Councils are Addressing the Same Issue	121
19.5	Summary of Issues Analysis	122
20.0	<i>Scale and Significance Evaluation</i>	122
20.1	Explanation Summary	123
21.0	<i>Evaluation</i>	123
21.1	Evaluation of Objectives	123
21.2	Evaluation of Policies and Rules	125
21.2.1	Description of the Proposed Provisions	125
21.2.2	Evaluation of Options in relation to Natural Character and Waterbodies	128
22.0	<i>Summary</i>	131

Executive Summary

Section 32 of the RMA requires objectives in District Plan proposals to be examined for their appropriateness in achieving the purpose of the Resource Management Act 1991 ('the Act' or 'the RMA'), and the policies and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness and risk in achieving the objectives.

The analysis set out in this report is to fulfil the obligations of the Council under s32 of the RMA. This section 32 evaluation report relates to the evaluation of options for the management of Natural Environment Values through the combined district plan for the West Coast – Te Tai o Poutini Plan.

This s32 is made up of four parts

- Ecosystems and Indigenous Biodiversity,
- Landscapes and Natural Features,
- Natural Character and Waterbodies – including Activities on the Surface of Water, and
- The Coastal Environment and Activities

These chapters apply District-wide.

The Strategic Objectives within the District Plan of particular relevance to these chapters of TTPP are:

Natural Environment Strategic Objectives	
NENV- 01	To recognise and protect the natural character, landscapes and features, ecosystems and indigenous biodiversity that contribute to the West Coast's character and identity and Poutini Ngāi Tahu's cultural and spiritual values.
NENV- 02	To ensure that the rights, interests and values of Poutini Ngai Tahu to natural environment areas and features are protected and provided for and that the ability to exercise kaitiakitanga and tino rangatiratanga is maintained and enhanced.
NENV - 03	To recognise: <ol style="list-style-type: none"> The substantial contribution to the protection of natural environment values that is made by the existence of public conservation land in protecting significant areas, habitats and features; The need for infrastructure to sometimes be located in significant areas; and The need to support the ethic of stewardship and to consider the positive effects of the conservation estate in achieving the requirements of the RMA.
NENV - 04	To clearly identify: <ol style="list-style-type: none"> Unique and important natural environment areas and features on the West Coast/Te Tai o Poutini which must be protected; and Areas where subdivision, use and development to enable community economic, cultural and social wellbeing can be sustainably managed.

Ecosystems and Indigenous Biodiversity

Biological diversity, or biodiversity, describes the variety and diversity of all life forms and the ecosystems they inhabit. Indigenous biodiversity is biodiversity that is native to New Zealand and

relates to individual birds, plants, insects and other species and also includes the ecosystems where these species live, such as forests and sand dunes.

The West Coast/Te Tai o Poutini contains a significant amount of intact natural biodiversity by comparison with most other parts of New Zealand. Continuous tracts of lowland and coastal forests and freshwater and coastal wetlands cover large areas. In many places indigenous ecosystems and habitats extend unbroken from the mountains to the sea. 84% of the land area is under the management of the Department of Conservation. In total an estimated 90% of the West Coast/Te Tai o Poutini is covered in indigenous vegetation - compared with 24% nationally.

While the West Coast/Te Tai o Poutini is fortunate to have a wide range of diverse and intact ecosystems and vegetation types, there are some ecosystems and vegetation types not well represented in the protected areas network. These are generally ecosystems found in the lowland areas of the West Coast/Te Tai o Poutini. Alongside this, parts of the West Coast/Te Tai o Poutini include the last habitats or strongholds of some native species threatened with extinction.

Under the RMA, the district and regional councils share responsibility for maintaining indigenous biodiversity. Te Tai o Poutini Plan is responsible for protecting and maintaining terrestrial (land-based) ecosystems, and the West Coast Regional Council is responsible for protecting and maintaining the non-terrestrial ecosystems (rivers, lakes, wetlands and the coast below mean high water springs). Poutini Ngāi Tahu also have cultural responsibilities as mana whenua and kaitiaki.

The RMA requires Te Tai o Poutini Plan to manage indigenous biodiversity in two particular ways. Firstly, the control of any actual or potential effects of the use, development, or protection of land for the purpose of maintaining indigenous biodiversity. Secondly, it is required to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

The Ecosystems and Indigenous Biodiversity Chapter will assist the Councils to fulfil their statutory functions and responsibilities as required by the RMA, through the following proposed objectives, policies and rules:

- Objectives to ensure the protection of significant natural areas, as well as maintaining and enhancing wider biodiversity values and working with Poutini Ngāi Tahu and the community.
- Policies that address identification and listing of Significant Natural Areas (SNAs) as well as a process of ongoing assessment of areas. Also, policies that set out an approach to protection through identifying anticipated activities and those that need a consent regime to manage actual and potential effects. In addition, there are policies to address offsetting, iwi values, subdivision incentives and control of pest species.
- Rules that provide for activities that are existing or would cause very little impact on biodiversity values, together with rules to control those activities most likely to cause adverse impacts on biodiversity values.
- Definitions for a range of matters that relate to the rules including defining indigenous vegetation clearance, and significant indigenous biodiversity.
- Overlays on Planning Maps that identify SNAs within the Grey District where the process of assessing native vegetation on private land for indigenous biodiversity values has been undertaken.
- The new provisions represent a continuation of the approach of sustainable management of ecosystems and indigenous biodiversity values on the West Coast/Te Tai o Poutini which has resulted in it being the largest remaining reservoir of indigenous biodiversity in New Zealand.

Landscapes and Natural Features

The chapter addresses a comprehensive set of outstanding natural landscape (ONL) areas and 21 outstanding natural features (ONF), which have been identified through a district-wide assessment and application of current best practice. These ONL and ONF areas are identified as overlays on the planning maps. The objectives and policies are based on updates to the operative provisions and seek to protect the values of ONF/ONLs from inappropriate subdivision, use and development. The policies are implemented through rules that manage key activities that can impact on landscape values, including buildings/structures, earthworks, tree planting, quarrying/mining, and plantation forestry.

Natural Character matters relating to the coastal environment and wetlands, lakes and rivers and their margins (including ONL's such as Punakaiki) are the subject of separate reports.

Clearance of indigenous vegetation, establishment of utilities (buildings and structures) and of new roads can all have an impact on landscape values. Provisions managing subdivision and natural hazards in these areas, are addressed in the S32 assessments for Subdivision and Natural Hazards respectively.

The Natural Features and Landscapes Chapter will assist the Councils to fulfil their statutory functions and responsibilities as required by the Act through the following proposed objectives, policies and rules:

- Objectives to recognise and protect ONL's and ONFs
- Policies that enable identification of areas and address the qualities of ONL's and ONFs, and protect them from inappropriate subdivision, use and development.
- Rules that manage activities that have the potential to impact on landscape values.
- Definitions for landscape areas and activities to which the landscape and natural features rules relate.
- Overlays on Planning Maps that identify the ONL and ONF areas.

In summary the key changes build on those provisions in the operative District Plans to provide clear direction towards the identification and protection of outstanding areas that form an important part of the landscapes of the West Coast/Te Tai o Poutini.

The Coastal Environment

This section 32 evaluation report relates to the coastal environment. The West Coast/Te Tai o Poutini coastal environment is defined by a long, open coast of mixed sand and gravel beaches that extend from Kahurangi Point in the north of Buller District to Awarua Point in the south of Westland District.

The terrestrial component of the coastal environment is the area of land extending from the mean high-water springs mark (MHWS) to the mapped inland extent of the coastal environment boundary. In many locations the coastal environment is extensive – in some locations the areas of coastal influence can extend for kilometres inland, particularly around major coastal dune systems and wetlands, such as those found around the Okarito Lagoon, Waitaha and Okuru.

Three of the four major towns on the West Coast/Te Tai o Poutini, and many of the smaller settlements are found on the coast, and in many instances within the mapped extent of the coastal environment. These areas range from highly modified (e.g. Greymouth) to lightly developed (e.g. Okarito). Alongside this there are extensive areas where the coastal environment is entirely unmodified and the original native vegetation, dune systems, lagoons, wetlands and other coastal landforms remain in their original state. Within South Westland in particular there are very extensive areas of unmodified coastal environment.

The full range of activities that occur on the West Coast/Te Tai o Poutini occur within the coastal environment e.g. – urban areas, mineral extraction, farming, whitebaiting, settlements and tourism. The West Coast/Te Tai o Poutini is, not just in name, defined by its extensive coastal environment.

The coastal environment is also of substantial cultural importance to Poutini Ngāi Tahu. It is a significant source of mahinga kai and the location of nohoanga, mataitai and a large number of sites and areas of significance to Poutini Ngāi Tahu. Where activities may affect Scheduled Sites and Areas of Significance to Māori then the provisions of that chapter apply, however TTPP recognises that Poutini Ngāi Tahu settlement and activities are in many instances focussed in the coastal environment, and that there are extensive areas of Poutini Ngāi Tahu land and customary use areas within the coastal environment.

The coastal environment is an overlay with underlying zones, and within which are identified Outstanding Natural Landscapes and areas with outstanding and high natural character (OCNC, and HCNC respectively) as well as areas of significant indigenous vegetation.

The purpose of the coastal environment chapter is to manage activities that could have adverse effects on the natural character, landscape and values of the terrestrial part of the coastal environment. However, it is acknowledged that there is the potential for provisions in the Coastal

Environment chapter to overlap with those in other chapters such as Rural Zones and Precincts, Public Access, Outstanding Natural Features and Landscapes, and Ecosystems and Biodiversity.

There are extensive areas of Outstanding Natural Landscape (ONL) and some Outstanding Natural Features (ONF) in the Coastal Environment, and where this occurs, relevant provisions in relation to these are found in the Coastal Environment Chapter. These ONLs and ONFs are generally fully vegetated. However the management and clearance of indigenous vegetation and biodiversity values is being addressed through the Ecosystems and Biodiversity Chapter and this is not duplicated in the coastal environment chapter.

Similarly there are extensive coastal hazards found within the coastal environment. These however interact very substantially with the river systems on the West Coast/Te Tai o Poutini and in order to manage these most effectively, all aspects of natural hazard management are dealt with together in the natural hazards chapter.

This chapter will assist the Council to fulfil its statutory functions and responsibilities as required by the Act through the following proposed objectives, policies and rules:

- Objectives to preserve the natural character and landscapes of the coastal environment and provide for communities social, economic and cultural wellbeing.
- Policies that address the qualities that contribute to natural character, avoid significant and manage all other adverse effects of activities, promote opportunities to restore and rehabilitate natural character, avoid and manage effects on indigenous biodiversity and landscapes, and enable the exercise of kaitiakitanga and customary harvest/cultural practices.
- Rules that provide for Poutini Ngāi Tahu activities, planting of vegetation, buildings and structures and earthworks, including quarrying and mining.
- Definitions for the coastal environment and outstanding coastal environment.
- Overlays on the Planning Maps that identify the extent of the coastal environment and areas of OCNC and HCNC.

Natural Character and Waterbodies

A district plan has relatively restricted jurisdiction to address matters relating to water under the RMA, with most of the functions resting with West Coast Regional Council. However, in areas where the district councils do have jurisdiction, and there is no overlap with West Coast Regional Council (principally in relation to the management of activities in the margins of surface water bodies to manage effects on the natural character of the margins of lakes and rivers), the District Plan has a role.

This section 32 evaluation report relates to provisions covering the natural character of the margins of waterbodies and activities on the surface of waterbodies. These are contained in the Natural Character and the Margins of Waterbodies and Activities on the Surface of Water chapters in the Proposed Te Tai o Poutini Plan. There is also the potential for provisions in the Coastal Environment, Cultural and Historic Values, Natural Features and Landscapes and Ecosystems and Indigenous Biodiversity chapters to have some overlap with the Natural Character – Water chapter and this is considered part of the relevant s32 reports.

The provisions developed through the Natural Character and Margins of Waterbodies chapter will assist the Councils to fulfil their statutory functions and responsibilities as required by the RMA through the following proposed objectives, policies and rules:

- Objectives to protect and enhance the natural character of the margins of the West Coast/Te Tai o Poutini's surface water bodies, and to recognise the relationship of Poutini Ngāi Tahu with water bodies;
- Policies that address land use activities, within the margins and activities on the surface of the West Coast/Te Tai o Poutini's surface water bodies;
- Rules and rule requirements that manage setbacks of activities from surface waterbodies and restrict activities that could affect natural character and public access on the surface of waterbodies;
- Definitions, including for bed (in relation to any river, lake or the coast), lake, wetland, and riparian margin

The provisions within TTPP largely echo those in the Operative District Plans, standardised across the three districts and updated to reflect any changes in national direction.

Part One: Ecosystems and Indigenous Biodiversity/ Ngā Pūnaha Rauropi me te Kanorau Koiora

1.0 Overview and Purpose

This s32 evaluation report should be read in conjunction with the s32 'Overview Report', which also includes an overview of the s32 legislative requirements, the methodology and approach to the s32 evaluations and the process that the TTPP Committee has undertaken to date through the development of Te Tai o Poutini Plan, including consultation and engagement.

1.1 Introduction to the Resource Management Issue

Biological diversity, or biodiversity, describes the variety and diversity of all life forms and the ecosystems they inhabit. Indigenous biodiversity is biodiversity that is native to New Zealand and relates to individual birds, plants, insects and other species and also includes the ecosystems where these species live, such as forests and sand dunes.

The RMA requires the TTPP Committee to:

- Identify and protect our remaining areas of significant indigenous vegetation and indigenous fauna habitat; and
- Maintain indigenous biodiversity.

The West Coast/Te Tai o Poutini contains a significant amount of intact natural diversity by comparison with most other parts of New Zealand. Continuous tracts of lowland and coastal forests and freshwater and coastal wetlands cover large areas. In many places indigenous ecosystems and habitats extend unbroken from the mountains to the sea. 84% of the land area is under the management of the Department of Conservation. In total an estimated 90% of the West Coast/Te Tai o Poutini is covered in indigenous vegetation - compared with 24% nationally.

While the West Coast/Te Tai o Poutini is fortunate to have a wide range of diverse and intact ecosystems and vegetation types, there are some ecosystems and vegetation types not well represented in the protected areas network. These are generally ecosystems found in the lowland areas of the West Coast/Te Tai o Poutini. Alongside this, parts of the West Coast/Te Tai o Poutini include the last habitats or strongholds of some native species threatened with extinction.

While generally within New Zealand there are a large number of ecosystem types and land environments that have been reduced to levels where they are threatened, on the West Coast there are fewer types of land environments that fall into this category. The Threatened Environments of New Zealand Classification (Landcare Research 2012) provides a useful insight into the threat status of different areas on the West Coast/Te Tai o Poutini. There are no types of land environment with the highest threat status where less than 10% of indigenous cover remains. At Karamea in the Buller District there are two land environments where only 10-20% of the indigenous cover remains. These land environments are regarded as Chronically Threatened (Price and Briggs, 2008) and are outlined in Table 1: There are a further five types of land environments where only 20-30% of the indigenous cover remains. These land environments are regarded as At Risk and can be found in a range of locations across the West Coast/Te Tai o Poutini.

Alongside this there are three land environments where less than 30% indigenous cover remains and are also regarded as Threatened nationally and Critically under protected. There is also one further land environment which is At Risk nationally and under protected. These land environments are also found at Karamea in the Buller District.

Classification	Level of Threat	Area (ha 2008)	Area not Protect (ha, 2008)	Location
C1.1a	Chronically Threatened	1431	302	Karamea, Buller District
F5.1b	Chronically Threatened	241	56	Karamea, Buller District
F5.1a	At Risk	2741	669	Largely Buller District
H1.1a	At Risk	354	2620	Largely Buller District
K1.1e	At Risk	22	0	Buller District
M2.1a	At Risk	43,839	5915	West Coast/Te Tai o Poutini wide
M2.2a	At Risk	2097	164	Buller District
M2.2b	At Risk	4	0	Buller District
Q1.1c	Critically Underprotected	443	0	Karamea, Buller District
Q1.2a	Critically Underprotected	4	0	Karamea, Buller District
Q3.3c	Critically Underprotected	1	0	Karamea, Buller District
I1.1a	Underprotected	40	21	Karamea, Buller District

Table 1 Threatened Land Environments of the West Coast/Te Tai o Poutini¹

Currently the Operative District Plans for Buller and Westland District contain “general” vegetation clearance provisions. These reflect that a process of identifying specific areas of significant indigenous vegetation and fauna habitat has not been undertaken.

In the Grey District, a process of Significant Natural Area (SNA) identification has been undertaken. 37 sites in the Grey District have been identified through initially desk-top studies and then ground truthing and ecological assessment as meeting the threshold as being significant. The way in which the Operative Grey District Plan works, means that these SNAs are subject to specific rules, and all other indigenous vegetation clearance in the district, outside of riparian areas and some specific scheduled outstanding natural landscape areas, is a Permitted Activity.

1.2 Regulatory and Policy Direction

1.2.1 Part 2 of the RMA

In carrying out a s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

¹Price and Briggs, 2008. Threatened Environment Classification for the West Coast Region, New Zealand. Landcare Research Contract Report LC0809/076. Prepared for the West Coast Regional Council. November 2008.

In achieving this purpose, authorities need also to recognise and provide for the matters of national importance identified in Section 6, have particular regard to other matters referred to in Section 7 and take into account the principles of the Treaty of Waitangi referred to in Section 8.

A number of provisions have been included in the Ecosystems and Indigenous Biodiversity Chapter in direct response to the requirements in Part 2 of the RMA, particularly section 6(c) which requires the TTPP Committee to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Other key elements of Part 2 that this chapter contributes to are aspects of sections 6(a), 6(e), 6(g), 7(a), 7(aa), 7(b), 7(c), 7(d), 7(f), 7(g), 7(h) and 8.

1.2.2 National Instruments

The following national instruments are relevant to this topic / issue:

1. The New Zealand Coastal Policy Statement (NZCPS) includes the expectation that indigenous biodiversity values will be protected where such biodiversity values occur within the coastal environment. The NZCPS includes Policy 11 which requires that there be protection according to risk and threat factors; with total avoidance of adverse effects on some taxa, areas or habitats, followed by a requirement to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on all other areas of indigenous vegetation and habitats in the coastal environment.
2. The National Policy Statement on Renewable Electricity Generation, the National Policy Statement on Electricity Transmission, and the National Environmental Standards for Electricity Transmission Activities, will be considered in the Utilities workstream, but the utility provisions will need to consider the outcomes sought for areas of biodiversity values unless the provisions of the NPS's override biodiversity considerations.
3. The National Policy Statement for Freshwater Management includes provisions seeking to maintain and improve freshwater quality and this links to biodiversity values within riparian areas in particular.
4. The National Environmental Standard on Plantation Forestry came into force from 1 May 2018 and puts in place standards for forestry activities. This has implications for SNAs as it specifies that the activity status for new plantation forestry within a SNA shall be a restricted discretionary activity. It does however enable a district plan to apply more stringent rules to protect SNAs and their recognised values where the district considers this to be appropriate and necessary. This NPS does not however provide provision for areas of significant values that have not been identified as a SNA.
5. A National Policy Statement on Indigenous Biodiversity is under development at present at a national level. When this is in place it will provide a clear and directive basis for the protection of biodiversity values nationally. In the interim the draft for consultation released in 2021 provides useful inputs to this issue and has been referenced in the development of this chapter.

As is discussed further under Section 1.2.4, the draft NPSIB introduces criteria and a process (requiring physical inspection) of identifying SNAs. These are different to the criteria used in the WCRPS. These criteria – and the wider NPSIB, have been subject to substantial submissions. At the time of preparation of the TTPP the final NPSIB had not been released.

1.2.3 National Planning Standards and/or Guidance Documents

The following aspects of the National Planning Standards are relevant to this topic / issue:

1. The District Plan Structure Standard. This includes the requirement that District Plans have a Natural Environmental Values section and within this section there be a chapter that addresses Ecosystems and Indigenous Biodiversity. The Standard states that:

If the following matters are addressed, they must be located in the Ecosystems and indigenous biodiversity chapter:

- a. identification and management of significant natural areas, including under s6(c) of the RMA
- b. maintenance of biological diversity
- c. intrinsic values of ecosystems and indigenous biodiversity.

There is also a requirement to include objectives, policies and methods, including rules (if any) that will protect those values.

2. There is no mandatory direction around how SNAs are to be identified on the planning maps. There is however a clear direction around how notations and overlays are displayed to recognise areas that have been determined to have distinctive values and be subject to environmental risks and factors that require management in a different manner from the underlying zone provisions.

The following national guidance documents are relevant to this topic / issue:

1. The Aotearoa New Zealand Biodiversity Strategy 2020 was prepared in response to the state of decline of New Zealand's indigenous biodiversity. This document seeks to reflect the national intention to turn the tide of biodiversity decline and contribute to stemming global loss of biodiversity.

1.2.4 Regional Policy and Plans

The WCRPS became operative in July 2020 and includes Chapter 7 Ecosystems and Indigenous Biodiversity that sets out the regional intention to manage biodiversity values and maintain the good health and extent of ecosystems and indigenous biodiversity on the West Coast/Te Tai o Poutini. Te Tai o Poutini Plan must **give effect** to the WCRPS.

The WCRPS recognises that 25% of the protected land in New Zealand is found on the West Coast/Te Tai o Poutini, and that the Department of Conservation controls 84% of the land area. The focus of the Objectives is to identify the areas of significant biodiversity and protect them. There is a specific objective relating to the sustainable use and development of areas of significant indigenous biodiversity – reflecting the extent of these values on the West Coast/Te Tai o Poutini.

Policy 7.1 sets out the means of identifying significance and links to the criteria to be applied in identifying areas of significant biodiversity across the region. This policy states:

1.

a) Areas of significant indigenous vegetation and significant habitats of indigenous fauna will be identified using the criteria in Appendix 1; they will be known as Significant Natural Areas (SNAs), and will be mapped in the relevant regional plan and district plans.

b) Significant wetlands will be identified using the criteria in Appendix 2; they will be known as Significant Natural Areas (SNAs), and will be mapped in the relevant regional plan.

Policy 1 recognises that using regionally consistent criteria for determining and identifying Significant Natural Areas (SNAs) assists with achieving sustainable management. It is best practice to map SNAs in plans, so that when a subdivision, use or development proposal is put forward, robust decisions can be made regarding its appropriateness.

As part of the process of developing the West Coast Regional Land and Water Plan, significant wetlands were mapped and identified in that plan.

As discussed under section 1.2.2, the draft NPSIB contains different criteria for the identification of SNAs, than those in the WCRPS. Because the NPSIB will be a higher order document, the TTPP Committee was concerned to not embark on a process of SNA assessment until the criteria were agreed upon. The expectation was that the NPSIB would be finalised early in 2021. Unfortunately the COVID 19 outbreak has led to significant delays in the development of government policy, and the final NPSIB was not released in 2021. This has meant that any region-wide assessment (including field assessment) of SNAs prior to the notification of the proposed TTPP was not able to be undertaken, due to insufficient time. Instead the SNA identification process will be undertaken at a future date and be introduced by Plan Change to TTPP.

Policy 7.2 relates to activities and their effects on areas of significant indigenous biodiversity. It recognises, that with the exception of some specific threatened environments and species, biodiversity is widespread on the West Coast/Te Tai o Poutini and that the focus of management of activities on biodiversity should be on those aspects that are identified to be of particular importance. Policy 7.2 states:

7.2. Activities shall be designed and undertaken in a way that does not cause:

- a) The prevention of an indigenous species' or a community's ability to persist in their habitats within their natural range in the Ecological District; or*
- b) A change of the Threatened Environment Classification to category two or below at the Ecological District Level; or*
- c) Further measurable reduction in the proportion of indigenous cover on those land environments in category one or two of the Threatened Environment Classification at the Ecological District Level; or*
- d) A reasonably measurable reduction in the local population of threatened taxa in the Department of Conservation Threat Classification Categories 1 – nationally critical, 2 – nationally endangered, and 3a – nationally vulnerable.*

Policy 7.2 does not preclude activities from being undertaken provided they meet the 'bottom lines' identified. In making this assessment, decision-makers need to take into account any measure, (except indigenous biological diversity offsetting or biodiversity compensation) proposed to prevent the effects in Policy 2 from occurring.

Policies 7.3, 7.4 and 7.5 relate to the effects management hierarchy, biodiversity offsetting and biodiversity compensation, which are also considered appropriate within a West Coast/Te Tai o Poutini context.

Policy 7.6 relates to subdivision, use and development within SNAs and states:

7.6. Allow for subdivision, use or development within SNAs, including by:

- a) Allowing existing lawfully established activities to continue provided the adverse effects are the same or similar in scale, character or intensity;*
- b) Allowing activities with no more than minor adverse effects provided that the values of the SNA are maintained.*

There are also policies around subdivision use and development in areas of indigenous biodiversity outside of SNAs and maintaining indigenous biodiversity, habitats and ecosystems across the West Coast/Te Tai o Poutini.

Of significant note in the WCRPS is Policy 7.9 which provides for both the kaitiakitanga role of Poutini Ngāi Tahu, and importantly provides for Poutini Ngāi Tahu uses such as papakāinga, cultural harvest, mahinga kai and customary uses.

The methods for this policy also expect engagement with Poutini Ngāi Tahu as mana whenua and affected landowners is a key part of the approach to maintaining indigenous biodiversity.

In relation to indigenous biodiversity in the coastal environment, section 9 of the WCRPS deals with that aspect, specifically Objective 9.1 and Policy 9.1:

Objective 9.1

Within the coastal environment:

- a) Protect indigenous biological diversity;*
- b) Preserve natural character, and protect it from inappropriate subdivision, use and development; and*
- c) Protect natural features and natural landscapes from inappropriate subdivision, use and development.*

Policy 9.1 Policy 9.1

1. Within the coastal environment protect indigenous biological diversity, and natural character, natural features and natural landscapes from inappropriate subdivision, use and development by:

- a) Identifying in regional and district plans areas of significant indigenous biological diversity, outstanding and high natural character and outstanding natural features and landscapes, recognising the matters set out in Policies 11, 13 and 15 of the NZCPS;*

b) Avoiding adverse effects on significant indigenous biological diversity, areas of outstanding natural character and outstanding natural landscapes and features; and

c) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on indigenous biological diversity, natural character, natural features and natural landscapes.

This direction reflects the NZCPS direction that it is indigenous biodiversity, not just significant indigenous biodiversity which is to be protected in the coastal environment.

1.2.5 Poutini Ngāi Tahu Iwi Management Plans

The RMA requires that when preparing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (section 74(2A)). There are three iwi management plans on the West Coast/Te Tai o Poutini – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Māhinapua Management Plan.

While these documents focus on specific issues they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values. Natural landscapes may have cultural values such as pā, kāinga, ara tawhito (traditional trails), pounamu, mahinga kai, and wāhi ingoa (place names). The traditions of Ngāi Tahu tūpuna (ancestors) are embedded in the landscape. The Lake Mahinapua Management Plan focusses on the recognition of the key natural and cultural resources provided by this lake of which Poutini Ngāi Tahu owns the bed.

1.2.6 Poutini Ngāi Tahu –West Coast Regional Council Mana Whakahono ā Rohe

WCRC, Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu signed a Mana Whakahono ā Rohe agreement in October 2020. This outlines in detail the relationship between the parties and how they will work together around resource management. There are some key sections which have guided the development of Te Tai o Poutini Plan.

Sections 3.18 – 3.23 recognise Poutini Ngāi Tahu historic heritage and cultural landscapes and practices – wāhi tupuna, wāhi tapu, urupā, Poutini Ngāi Tahu archaeological and cultural sites, kōiwi tangata and taonga (collectively Poutini Ngāi Tahu Heritage). It is identified that Poutini Ngāi Tahu Heritage is recorded within planning instruments, that there is a whakapapa relationship of Poutini Ngāi Tahu with Poutini Ngāi Tahu Heritage and that impacts on Poutini Ngāi Tahu Heritage are impacts on Poutini Ngāi Tahu. It recognises the Poutini Ngāi Tahu should participate in decisions that impact on Poutini Ngāi Tahu Heritage.

Section 3.34 identifies that Pounamu Management Areas should be given priority as areas of protection and Poutini Ngāi Tahu whānui access, including through the use of local planning instruments.

Section 3.36 identifies that aotea is given a similar level of priority to pounamu as areas of protection and Ngāti Māhaki whānui access, including through the use of local planning instruments.

Section 4 recognises the importance of Iwi Management Plans and that they shall inform the development of planning frameworks, instruments and documents, as well as decisions on individual resource consents. Acting in accordance with iwi management plans is agreed as the primary means by which a Treaty partnership approach to resource management in the region can be achieved.

1.2.7 Other Legislation

Other legislation and regulations that are relevant to Ecosystems and Biodiversity have been considered in preparing the Proposed Plan. These are primarily the Conservation Act 1987, the National Parks Act 1980 and the Marine Reserves Act 1971.

There are six national parks which contain land on the West Coast – Kahurangi National Park, Paparoa National Park, Westland Tai Poutini National Park, Aoraki/Mt Cook National Park, Mt Aspiring National Park and Arthurs Pass National Park.

These areas are administered by DOC under the National Parks Act 1980 and the Conservation Act 1987.

- The National Parks Act 1980 aims to preserve national parks in perpetuity for their intrinsic worth and for the benefit use and enjoyment of the public. This Act sets out the principles for preserving the national parks and the functions and management of the parks. Each National Park has a Management Plan which sets out the issues, objectives and policies for the preservation, use and management of the park.
- Marine Reserves Act 1971: The Kahurangi Marine Reserve, Punakaiki Marine Reserve and Waiau Glacier Coast Marine Reserve are held under the Marine Reserves Act 1971. Section 3(1) of the Marine Reserves Act 1971 states it "shall have effect for the purpose of preserving, as marine reserves for the scientific study of marine life, areas of New Zealand that contain underwater scenery, natural features, or marine life, of such distinctive quality, or so typical, or beautiful, or unique, that their continued preservation is in the national interest". Each Marine Reserve has a Conservation Management Plan to establish objectives for the management of the marine reserve.
- Conservation Act 1987: The following documents prepared by the Department of Conservation (DOC), in accordance with the Conservation Act 1987 seek to establish objectives for the integrated management of natural and historic resources within the West Coast region:
 - West Coast Conservation Management Strategy
 - Aoraki/Mount Cook National Park Management Plan 2012
 - Arthurs Pass National Park Management Plan 1987
 - Kahurangi National Park Management Plan 2001 partially reviewed December 2010 - amended April 2017
 - Mount Aspiring National Park Management Plan 2011
 - Paparoa National Park Management Plan 2017 amended May 2021
 - Westland Tai Poutini National Park Management Plan December 2001 and amended June 2008 and April 2014

2.0 Resource Management Issue and Analysis

2.1 Background

The issues relating to vegetation, ecosystems and indigenous biodiversity cover a range of matters, but particularly relate to the identification and management of areas identified as having significance under section 6 of the RMA and the protection of indigenous biodiversity outside those areas identified as being significant.

Vegetation, ecosystems and biodiversity matters are broad and varied and are of interest to a range of parties. Some stakeholders place a very strong emphasis on ensuring protection of biodiversity values. Other parties highlight that the protection of indigenous biodiversity provides benefits to the environment and the community but can come at a cost for landowners.

In many cases areas of significant indigenous biodiversity value remain because of the choices made by landowners in managing their properties. Across the West Coast/Te Tai o Poutini there has been significant debate over the issue, with only the Grey District progressing the identification of specific SNAs.

In determining an approach to ecosystems and indigenous biodiversity on the West Coast/Te Tai o Poutini, the TTPP Committee commissioned a desk top study by Wildlands Consultants, looking at what vegetation on the West Coast/Te Tai o Poutini might meet significance criteria. This report identified that at a desktop level, the overwhelming majority of indigenous vegetation on the West Coast/Te Tai o Poutini could meet the criteria. Largely due to the poor level of detailed desktop information, but also the low quality of aerial photography available for the study, field assessment and detailed studies of individual sites is needed to determine which sites are significant. Essentially at a desk top level all sites were considered potentially significant.

A preliminary field assessment by TTPP staff of a selection of sites quickly identified that large areas of gorse and non-native vegetation have been caught in the "potentially significant" areas. This confirmed that preliminary ground assessment was needed to exclude obvious non-significant sites, and that detailed ecological assessment would be needed to have any confidence in a SNA identification.

Given the very large extent of land covered in indigenous vegetation on the West Coast/Te Tai o Poutini, estimates of costings to undertaken field assessment² of all indigenous vegetation on private land are in the order of \$1 million. Many landowners have also indicated their unwillingness to allow Council ecologists onto their properties to undertake ecological assessment. Alongside this the new NPSIB is still being finalised – along with the criteria for significance of areas.

The Committee therefore decided that, in light of the uncertainty and substantial costs involved, continuing the approach of “general indigenous vegetation clearance” provisions for Buller and Westland, was most appropriate for inclusion in the proposed TTPP – effectively updating the existing provisions. It did however include a policy which set a date by which the SNA field assessment for these districts would be completed and that a Plan Change would be introduced to include the identified SNAs in the TTPP. Because of the large amount of vegetation needing to be assessed through such a process – and the significant financial costs of doing the work, the policy is that the field assessment and Plan Change will be completed by June 2027.

Because the Grey District Council had already completed the process of identifying SNA areas, the approach in TTPP is an update of the existing provisions for that district also. The 37 identified SNAs are scheduled in the proposed TTPP and mapped on the planning maps as an overlay.

Across all three districts there are also very substantial areas identified as Outstanding Natural Landscapes. The identification of these is discussed further in the Landscapes and Natural Features s32 report. All of these areas are however vegetated, and are generally large areas of contiguous vegetation which, as well as having outstanding landscape values, are undoubtedly significant reservoirs of biodiversity and important habitats. Provisions around vegetation clearance of these areas is included within the Ecosystems and Biodiversity chapter of TTPP. In recognition of the combined ecological and landscape values of these areas, more stringent indigenous vegetation clearance provisions for these locations, comparable to the SNA provisions, are included.

2.2 Evidence Base - Research, Consultation, Information and Analysis undertaken

2.2.1 Research

The current District Plans have been reviewed, technical advice and assistance from various internal and external experts has been commissioned and utilised, along with internal workshops and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

Natural Environment Values Generally

Title	Technical Update Natural Heritage Strategic Direction. Report to Te Tai o Poutini Plan Committee August 2020
Author	Lois Easton
Brief Synopsis	This report provides some wider context around natural environment matters on the West Coast/Te Tai o Poutini, examines the issues and potential strategic objectives for the natural environment, including biodiversity.
Link to Document	https://tpp.nz/wp-content/uploads/2022/01/Te-Tai-o-Poutini-Plan-Committee-Agenda-13-August-2020.pdf

² 12 March 2020 - West Coast Councils' Submission on the draft (proposed) National Policy Statement for Indigenous Biodiversity (2019)

Ecosystems and Biodiversity Generally

Title	Te Tai o Poutini Plan Technical Update – Addressing Section 6 Matters: Indigenous vegetation and fauna. Report to Te Tai o Poutini Plan Committee March 2020.
Author	Lois Easton
Brief Synopsis	This report provides a summary of the planning issues relating to vegetation and ecosystems (biodiversity values). It outlines the current situation in the three Operative Plans, the wider policy context and considers options around SNA assessment.
Link to Document	https://tppp.nz/wp-content/uploads/2020/04/Postponed-March-meeting-agenda-for-April-2020.pdf

Identification of Significant Natural Areas

Title	Tai o Poutini Plan Technical Update – Significant Natural Areas Assessment Process. Report to Te Tai o Poutini Plan Committee July 2020.
Author	Lois Easton
Brief Synopsis	This report looks at options for progression of SNA identification and recommends that a desktop process to identify potential SNAs for future ground truthing be undertaken.
Link to Document	https://tppp.nz/wp-content/uploads/2020/07/July-TTPP-Meeting-Agenda-v2.pdf

Subsequent to this report Wildlands Consultants were commissioned to undertake the desktop study on potential SNAs on the West Coast/Te Tai o Poutini.

Title	Significant Natural Areas of the West Coast Region 2021: Land Outside of the Majority of the Department of Conservation Estate – Stage 1, Volume 1. May 2021
Author	Beadel, S., Lloyd, K., McQueen, J., Wium, J. and Mazzieri, F. Wildlands Consultants
Brief Synopsis	<p>This report provides a desk top assessment of all indigenous vegetation that could be a potential SNA within the West Coast Region on land outside of the Department of Conservation Estate. Information in this report should be read with an understanding that the assessments were undertaken as a desktop only exercise relying on existing information.</p> <p>Site mapping was undertaken as a desktop-only exercise at a 1:5000 scale using existing aerial photography. Most of the sites assessed had limited information available and many information sources were over 30 years old. The report identified that most sites on private land require a site visit to properly assess their significance.</p> <p>The criteria used in the assessment were those in the WCRPS – the draft NPSIB criteria were not considered and the report notes that amendments may be required to comply if this is ratified.</p>
Link to Document	https://tppp.nz/technical-reports/

Title	Te Tai o Poutini Plan Technical Update – Significant Natural Areas Assessment Process. Report to Te Tai o Poutini Plan Committee June 2021
Author	Lois Easton
Brief Synopsis	This report summarises the outcome of the desktop analysis of potential SNAs. It identifies that due to the poor quality of the aerial photography and information on the specific natural values of different areas of vegetation, the overwhelming majority of indigenous vegetation on the West Coast/Te Tai o Poutini is identified as potentially significant – and that several stages of field assessment are needed in order to be able to specifically identify SNAs. The report also discusses the policy context and the ongoing development of the NPSIB and the implications of that for any SNA process. The report looks at what other Councils are doing in this space and provides options to progress the ecosystems and biodiversity workstream.
Link to Document	https://tppp.nz/wp-content/uploads/2021/06/TTPP-Agenda-29-June-2021.pdf

As a result of the discussion around this report, the Committee decided to put the further identification of SNAs on hold, pending the finalisation of the NPSIB. Further, it was resolved that a "general vegetation clearance" approach, as is currently used in the Westland and Buller Operative Plans would be taken forward for development in TTPP until such time as the final NPSIB was released and clear direction on the SNA process from central government was provided.

Development of TTPP Provisions

Title	Te Tai o Poutini Plan Technical Update – Ecosystems and Biodiversity Objectives and Policies Report to Te Tai o Poutini Plan Committee July 2021
Author	Lois Easton
Brief Synopsis	This report outlines the issues and context for ecosystems and biodiversity and proposes draft objectives and policies for review by the Committee
Link to Document	https://tppp.nz/wp-content/uploads/2021/07/TTPP-Agenda-26-July-2021.pdf

Title	Te Tai o Poutini Plan Technical Update – Ecosystems and Biodiversity Rules. Report to Te Tai o Poutini Plan Committee September 2021
Author	Lois Easton
Brief Synopsis	This report discusses draft Rules for inclusion within Te Tai o Poutini Plan around indigenous vegetation and biodiversity.
Link to Document	https://tppp.nz/wp-content/uploads/2021/09/Agenda-TTPP-28-September-2021.pdf

At this meeting the issues that the draft Rule approach is very different to that currently in place in Grey District and the implications for landowners who had already gone through the SNA process in Grey District was discussed.

Title	Te Tai o Poutini Plan Technical Update – Ecosystems and Biodiversity Rules. Report to Te Tai o Poutini Plan Committee September 2021
Author	Lois Easton
Brief Synopsis	This report discusses the Grey District SNA process and the potential approach of incorporating the Grey District SNAs in TTPP recognising the extensive ecological assessment work and community consultation that has been undertaken. It recommends that a modified version of the Grey District Council Operative Plan provisions be taken forward for inclusion in the draft TTPP.
Link to Document	https://tppp.nz/wp-content/uploads/2021/11/Agenda-2-December-2021.pdf

Subsequent to this report the draft chapter created for the plan was presented to the TTPP Committee on 2 December 2021. That draft chapter was endorsed by the Committee for further refinement and integration into the TTPP framework.

The draft TTPP was released for public feedback in January 2022 and there was significant feedback on the Ecosystems and Biodiversity Chapter. This chapter was amended following feedback and the proposed Plan provisions adopted by the Committee on 17 May 2022, including the inclusion of a policy setting out that SNAs would be identified and included in TTPP by way of Plan Change by June 2027.

Title	Te Tai o Poutini Plan - Ecosystems and Biodiversity. Report to Te Tai o Poutini Plan Committee 29 April 2022
Author	Lois Easton
Brief Synopsis	This report discusses the feedback received on the draft Plan and recommends amendments to the provisions to incorporate that feedback.
Link to Document	https://tppp.nz/wp-content/uploads/2022/04/TTPP-Agenda-29-April-2022.pdf

Title	Technical Report - Ecosystems and Biodiversity. Report to Te Tai o Poutini Plan Committee 17 May
Author	Lois Easton
Brief Synopsis	This report discusses the feedback received on the draft Plan and recommends amendments to the provisions to incorporate that feedback.
Link to Document	https://tppp.nz/wp-content/uploads/2022/05/TTPP-Agenda-17-May-2022.pdf

The issue of indigenous biodiversity values is much wider than just the TTPP, and the Committee has noted:

1. The large number and land area of wetlands (including wet forest) identified in the West Coast Regional Land and Water Plan with specific protection provisions attached; and
2. The range of non-statutory approaches to the issue that are being undertaken through collaborative Council-community processes including:
 - a. WCRC rates remission for properties containing an identified Significant Natural Area;
 - b. Co-ordination and liaison with other agencies/parties regarding protection of indigenous biodiversity;
 - c. Management of land and assets of the West Coast/Te Tai o Poutini councils, including reserve management plans;

- d. Local conservation care groups and programmes e.g. Punakaiki Coastal Restoration Project, Predator Free Te Kinga/Lake Brunner
3. The significance of the DOC administered lands on the West Coast/Te Tai o Poutini – with 93% of land within indigenous vegetation on the West Coast/Te Tai o Poutini being under management by DOC.
4. The TTPP Committee also acknowledges the role of many other groups, organisations and individuals in the maintenance and protection of biodiversity values generally across the West Coast/Te Tai o Poutini.

SNAs in Grey District

Title	Identification of “Possible” Significant Natural Areas in Grey District 11 October 2004
Author	Dr David Norton and Boffa Miskell
Brief Synopsis	This report provides the result of a desktop assessment of the Grey District and identification of possible SNAs in the district. It was undertaken to support the Grey District SNA process which ultimately led to 37 SNAs being identified in Grey District.
Link to Document	https://tppp.nz/technical-reports/

Title	Grey District Significant Natural Area Assessment. Greymouth Ecological District. Reports for GRE -W007, GRE - W005, GRE - W006 and GRE - 100
Author	Boffa Miskell
Brief Synopsis	These four reports assess the detailed ecological values of these 4 potential SNAs and provide recommended boundaries for the SNA.
Link to Document	https://tppp.nz/technical-reports/

Title	Grey District Significant Natural Area Assessment. Totara Ecological District. Reports for TOT – 112, TOT – 131, TOT – 134, TOT -P004 and TOT -079
Author	Boffa Miskell
Brief Synopsis	These five reports assess the detailed ecological values of these 5 potential SNAs and provide recommended boundaries for the SNA.
Link to Document	https://tppp.nz/technical-reports/

Title	Grey District Significant Natural Area Assessment. Punakaiki Ecological District. Report for PUN – 048
Author	Boffa Miskell
Brief Synopsis	This report assesses the detailed ecological values of this potential SNA and provides recommended boundaries for the SNA.
Link to Document	https://tppp.nz/technical-reports/

Title	Grey District Significant Natural Area Assessment. Hochstetter Ecological District. Report for HOC - 094
Author	Boffa Miskell
Brief Synopsis	This report assesses the detailed ecological values of this potential SNA and provides recommended boundaries for the SNA.
Link to Document	https://tppp.nz/technical-reports/

Title	Grey District Significant Natural Area Assessment. Hochstetter Ecological District. Report for HOC - 094
Author	Boffa Miskell
Brief Synopsis	This report assesses the detailed ecological values of this potential SNA and provides recommended boundaries for the SNA.
Link to Document	https://tppp.nz/technical-reports/

Analysis of Land Area and number of properties affected by Grey SNAs

There are 37 SNAs identified in the Grey District as outlined in Schedule Four of the Plan. These cover a total of 6145 hectares of land. Of this, 3329 ha is made up of a single SNA – the Mt Davy SNA which is located in the Paparoa Coal Mining Reserve and administered by Land Information New Zealand. A further 300ha of SNA land has been purchased by the Department of Conservation subsequent to its ecological evaluation and identification as an SNA. There is therefore 2536 ha of private land identified as SNA in the proposed TTPP. This affects 103 property titles.

The Mt Davy SNA, while on land owned by the Crown, is subject to several Coal Mining Licences granted in favour of several mining companies. These companies are also therefore affected by the identification of the area as an SNA.

2.2.2 Consultation and Engagement

Te Tai o Poutini Plan Consultation

Te Tai o Poutini Plan has been the subject of significant consultation and community engagement. Within that, the indigenous vegetation and biodiversity provisions have been the subject of targeted consultation alongside the overall TTPP consultation and engagement process.

This commenced in 2019 with the identification of natural environment stakeholders on the West Coast/Te Tai o Poutini – local environmental groups and individuals, the NZ Forest and Bird Protection Society as well as the key agency stakeholders of the Department of Conservation, NZ Fish and Game and the West Coast Conservation Board.

Numerous one on one meetings were held with these individual stakeholders during the Plan drafting, with multi-stakeholder workshops also held.

Specific meetings and workshops held were:

Plan Development Phase

February 2020, 8 April 2021 Forest and Bird

February 2020, 30 June 2021, 29 September 2021, 27 October 2021 – with a range of Department of Conservation Staff

28 July 2020 – multi-stakeholder infrastructure provider workshop

27 August 2020 – multi-stakeholder environmental interests

28 October 2020 – multi – stakeholder agricultural and forestry local interest stakeholders

Draft Plan Consultation Phase

18 February 2022 – West Coast Conservation Board

21 February 2022 - multi – stakeholder agricultural and forestry local interest stakeholders

22 February 2022 – multi-stakeholder infrastructure provider workshop

23 February 2022 - – multi-stakeholder environmental interests

24 February 2022 – with a range of Department of Conservation Staff

24 February 2022 – multi-stakeholder developer and professional services interests

Grey District SNA Project Consultation

The Grey District SNA Project involved extensive consultation with interested parties and in particular with SNA landowners. Discussions with affected landowners were initiated as soon as the first list of "possible" SNAs was identified in 2001. When possible, Council's ecologist consulted with the landowners during their site visits to confirm the SNA boundary and values, and Council made the ecological reports available to the landowners.

Following this and up to the mid-2010s, Council officers undertook further site visits and landowner liaisons to clarify the implications of the SNA status, to hear the landowners' views on the project and on the values associated with their land and resolve any potential concerns. These discussions were largely successful with numerous landowners working with Council in developing a management plan to maintain or even enhance the values of the SNA. Landowners were notified of the Draft Grey District Plan Changes and provided an opportunity to discuss any concerns with Council. The landowners and any other party had an opportunity to provide feedback on this which was considered by the TTPP Committee. There was also significant consultation with other interested parties through the SNA project and the Council had workshops with interested parties to discuss the SNA Project and the Draft Proposed Plan Changes.

When the TTPP Committee decided to include the Grey SNA provisions in the draft TTPP, all the affected landowners were re-contacted and sent letters to update them on the process. This included maps showing them the proposed boundaries of the SNA on their property. Copies of the ecological reports were also re-provided to landowners on their request.

RMA Schedule 1 Consultation

The RMA requires councils to undertake pre-notification consultation with those parties identified in Schedule 1, clause 3, during the preparation of a proposed district plan. These parties include:

- the Minister for the Environment;
- those other Ministers of the Crown who may be affected by the proposed plan;
- local authorities who may be so affected; and
- the tangata whenua of the area who may be so affected, through iwi authorities.

As a result of this consultation, written feedback was received from Department of Conservation, Department of Internal Affairs, Te Rūnanga o Ngāi Tahu and the Ministry for the Environment.

An overview of their feedback and a summary of recommended amendments to draft provisions is contained in a report that was presented to the TTPP Committee on 21 June 2022, as per details below.

First Schedule Consultation	
Title	
Author	Lois Easton
Brief Synopsis	This report provides a summary of the pre-notification feedback received from RMA First Schedule consultation on the draft Proposed District Plan provisions and the subsequent amendments recommended by staff.
Link to Document	https://tppp.nz/wp-content/uploads/2022/06/TTPP-Committee-Meeting-Agenda-21-June-2022-1.pdf

2.2.3 Poutini Ngāi Tahu Advice

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāti Mahaki o Makaawhio are the two papatipu rūnanga on the West Coast/Te Tai o Poutini. They are collectively known as Poutini Ngāi Tahu. They have provided clear advice to the TTPP Committee around their expectations in relation to indigenous biodiversity provisions in TTPP. This particularly relates to their own lands. Poutini Ngāi Tahu seek to ensure that the indigenous biodiversity (and other natural environment matters) provisions in Te Tai o Poutini Plan reflect the desire of Poutini Ngāi Tahu to exercise tino rangatiratanga on their lands.

Poutini Ngāi Tahu are specifically opposed to any significant natural areas assessment on their lands and seek that the exercise of tino rangatiratanga and kaitiakitanga of these areas be left in the hands of Poutini Ngāi Tahu.

The responsibility of kaitiakitanga is something that Poutini Ngāi Tahu take very seriously and this is reflected in the high biodiversity and ecological values that are found in many Poutini Ngāi Tahu lands. Poutini Ngāi Tahu have and will continue to be excellent kaitiaki of these areas and the many values that they hold. Many of these lands were returned to Poutini Ngāi Tahu under the Ngāi Tahu Settlement Act and it is not acceptable to Poutini Ngāi Tahu that these should be subject to special identification and regulation as significant natural areas in Te Tai o Poutini Plan.

Poutini Ngāi Tahu seeks that Te Tai o Poutini Plan include mechanisms that allow Poutini Ngāi Tahu to exercise tino rangatiratanga across their lands. They have identified that an approach which leaves these matters to be managed through an iwi/papatipu rūnanga management plan is preferred for these areas.

2.3 Operative District Plan Provisions

2.3.1 Buller District Plan

The Buller District Plan became operative on 28 January 2000. The Buller District Plan contains one objective around the management of ecosystems and natural habitats. Objective 4.8.6.1 is as follows:

To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to recognise their importance to the character and quality of the natural and physical environment and to the wellbeing of the people and communities in Buller.

There are 9 policies that sit under Objective 4.8.6.1, of which 8 relate to ecosystems and biodiversity, while the ninth relates to notable trees.

At the time that the Buller District Plan was developed, an evaluation of the significance of vegetation and ecosystems in the district had not been undertaken but this was intended to be done in the future. Instead Policy 4.8.7.4 outlines the criteria that will be used to assess areas of significant indigenous vegetation and significant fauna habitat. Policy 4.8.7.5 outlines that these criteria will be used to identify and schedule significant natural areas in the future. Policy 4.8.7.6 outlines the interim approach that the Council will make decisions on resource consents that provides for the protection of significant indigenous vegetation and habitat as well as natural values associated with riparian margins.

Policies 4.6.7.1, 4.8.7.2, 4.8.7.3, 4.8.7.7 and 4.8.7.8 set out the framework within which the rules and resource consent processes for indigenous biodiversity within the Buller District Plan are managed. These focus on the protection of values.

The Rules within the Buller District Plan take a tiered approach to managing indigenous vegetation as follows:

- Indigenous vegetation clearance is controlled within the zone rules, with the Scenically Sensitive (residential and commercial) zones, Paparoa Character Area, Natural Environments Character Area and Rural Zones having provisions around indigenous vegetation clearance as follow.

These are outlined in the table below:

Zone	Rule
Scenically sensitive residential	Permitted activity to clear indigenous vegetation except: 5.3.4.2.1 Clearance of indigenous trees or shrubs in the Ross subdivision is a restricted discretionary activity.
Scenically sensitive commercial	5.2.5.2.5 – Permitted activity to clear indigenous trees or shrubs within 3m of an existing building. 5.2.5.3.1.3 – Restricted discretionary activity to clear indigenous trees or shrubs
Paparoa Character Area	5.4.2.4 – Permitted activity to clear 200m ² of indigenous vegetation where this is incidental to a Permitted Activity. 5.4.4.2 – Discretionary activity to clear up to 500m ² of indigenous vegetation per hectare Non-complying activity to clear more than 500m ² of indigenous vegetation per hectare
National Environments Character Area	5.5.3.2 Controlled activity to undertake indigenous forest clearance in accordance with an approved Sustainable Management Plan. 5.5.3.3 Controlled activity to undertake indigenous vegetation clearance incidental to a Permitted or Controlled Activity. Either Discretionary or Non-complying (interpretation is not clear) for all other indigenous vegetation clearance.
Rural Zone	5.3.2.1.3 Permitted activity to clear up to 0.5ha of indigenous vegetation per site in total over any 3 year period. 5.3.2.1.3A Permitted activity to clear up to 5ha of manuka, kanuka and bracken (in areas which have been substantially cleared of indigenous vegetation within the previous 15 years) over any 3 year period. 5.3.2.2.1 Controlled activity to clear between 0.5ha and 5 ha of indigenous vegetation (excluding wetlands) per site in total over any 3 year period. 5.3.2.4.2 Restricted Discretionary activity to undertake indigenous forestry in accordance with an approval under Part IIIA of the Forests Act 1949. 5.3.2.4.4 Restricted Discretionary activity to clear more than 5ha of indigenous vegetation per site in total over any 3 year period. 5.3.2.3.4 Discretionary activity to undertake indigenous forestry involving logging for the purposes of milling.

There are also controls over the removal of vegetation in riparian areas.

Buller Plan Change 141

The Buller District Council released Plan Change 141 in 2016 as part of a package of plan changes relating to the rolling review of the Buller District Plan. This Plan Change was not progressed beyond the notification stage, as by that time it was clear that the district plans on the West Coast/Te Tai o Poutini were going to be combined as a result of recommendations from the Local Government Commission. The plan change proposed to replace the Objective and nine policies with one Objective and five policies as follow:

Objective 1: To enable appropriate subdivision, use and development within areas of significant vegetation and significant habitats of indigenous fauna, where indigenous biodiversity is maintained.

Policy 1. To promote the protection of significant indigenous vegetation and significant habitats of indigenous fauna through the resource consent process.

Policy 2. To identify areas of significant vegetation and significant habitats of indigenous fauna that are significant for one or more of the following reasons:

Representativeness

- *Indigenous vegetation or habitat of indigenous fauna that is representative, typical or characteristic of the natural diversity of the relevant ecological district. This can include degraded examples where they are some of the best remaining examples of their type, or represent all that remains of indigenous biodiversity in some areas*
- *Indigenous vegetation or habitat of indigenous fauna that is a relatively large example of its type within the relevant ecological district.*

Rarity/ Distinctiveness

- *Indigenous vegetation or habitat of indigenous fauna that has been reduced to less than 20% of its former extent in the Region, or relevant land environment, ecological district or freshwater environment*
- *Indigenous vegetation or habitat of indigenous fauna that supports an indigenous species that is threatened, at risk or uncommon, nationally or within the relevant ecological district*
- *The site contains indigenous vegetation or an indigenous species at its distribution limit within the West Coast Region or nationally*
- *Indigenous vegetation or an association of indigenous species that is distinctive, or restricted occurrence, occurs within an originally rare ecosystem, or has developed as a result of an unusual environmental factor or combinations of factors.*

Diversity and Patterns

- *Indigenous vegetation or habitat of indigenous fauna that contains a high diversity of indigenous ecosystem or habitat types, indigenous taxa, or has changes in species composition reflecting the existence of diverse natural features or ecological gradients.*

Ecological Context

- *Vegetation or habitat of indigenous fauna that provides or contributes to an important ecological linkage or network, or provides an important buffering function.*
- *A wetland which plays an important hydrological, biological or ecological role in the natural functioning of a river or coastal system.*
- *Indigenous vegetation or habitat of indigenous fauna that provides important habitat (including refuges from predation, or key habitat for feeding, breeding or resting) for indigenous species, either seasonally or permanently).*

Policy 3. To maintain indigenous biodiversity values having regard to the following matters in determining appropriate subdivision, use and development:

- a. 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;*
- b. the 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*
- c. The representativeness of the affected vegetation or habitat and impact on its inter-relationship or continuity with other habitats or areas of indigenous vegetation*
- d. Whether the affected area retains the presence of rare or distinctive, threatened or at risk, indigenous flora or fauna species*
- e. the extent to which the proposal is the minimum necessary to protect significant indigenous vegetation and significant habitats of indigenous fauna*
- f. Where 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*

g. the social and economic benefits to be derived from the use and development of the affected area.

Policy 4. To recognise the need for land use and development to function efficiently and effectively while ensuring that any potential adverse effects on areas of significant indigenous vegetation and/or significant habitats of indigenous fauna are avoided, remedied or mitigated,

Policy 5. To provide for activities which have less than minor effects on significant indigenous biodiversity.

2.3.2 Grey District Plan

The proposed Grey District Plan was publicly notified in December 1999. At that time, the proposed plan contained objectives, policies and methods for the recognition and protection of SNAs, but there were no rules associated with SNAs. Interested parties made submissions, and eventually appealed the proposed District Plan, seeking the inclusion of rules controlling the clearance of indigenous vegetation within an SNA. The Council and the parties participated in mediation and agreed to the inclusion of a process for the identification of SNAs and a rule that provided for the protection of SNAs in the plan. The Grey District Plan, including these provisions, became fully operative in March 2005.

The existing provisions in the Grey District Plan for the identification and protection of SNAs include objective 5.3. I, policies 5.4. I through 5.4.4, implementation methods in section 5.5, anticipated environmental results and monitoring, and Rule 19.75.

Rule 19.7.5 includes a 9-step process to identify areas that are significant in accordance with section 6(c) of the Act and criteria set out in Policy 5.4.2 of the Grey District Plan (SNAs), including a corresponding staged rule restricting the removal of indigenous vegetation at each of the relevant steps of the process. The steps in the process include Council's ecologist undertaking a desktop assessment and refinement from public viewpoints to develop a list of 'possible SNAs', peer review of that list by the Department of Conservation's ecologists, Council's ecologists undertaking detailed ecological assessments, liaisons with landowners to determine a confirmed list of SNAs, and incorporating that list into the District Plan. The rule restricted the clearance of indigenous vegetation in all areas until the possible SNAs were identified, then restrictions applied on "sites" that contained a possible SNA, and finally the rule anticipates that these restrictions will apply only to the SNA when they have been 'confirmed' as part of this proposed plan change.

Rule 19.7.5 includes controls over the removal of any indigenous vegetation in the margin of a wetland, lake or river.

The Council has now completed steps 1 through 7 of that process and accordingly the Grey District Plan is being administered in such a way that:

- Indigenous vegetation clearance within an identified SNA is a Discretionary Activity
- Indigenous vegetation clearance on a site with an identified SNA is a Discretionary Activity – although the rule envisages that once a Plan Change to identify the SNAs is undertaken, then vegetation clearance outside of an SNA, but on the same site, would become a Permitted Activity
- Indigenous vegetation clearance outside of any site with an SNA on it or the margins of a wetland, lake or river is a Permitted Activity.

The Grey District Council had prepared a Plan Change for notification which included the identification of the 37 SNAs, however this was not progressed to notification prior to the embarking on the development of Te Tai o Poutini Plan.

2.3.3 Westland District Plan

The Westland District Plan became operative on 1 June 2002. The Westland District Plan contains three objectives around the management of ecosystems as follow:

Objective 3.7.1 To recognise and provide for the unique values and importance of natural environments and ecosystems in Westland.

Objective 3.7.2 To recognise that the people of the district can provide for their needs within the context of sustainable management.

Objective 3.7.3 To protect the integrity, functioning, and health of indigenous ecosystems and maintain the current diversity of indigenous flora and fauna.

There are four policies to support the objectives. Policies 4.9.A and 4.9.B support the objectives in their management of indigenous ecosystems and habitats and Policy 4.9.C is specifically focussed on controlling the modification of wetlands. Policy 4.9.D is similar to the policies in the Buller and Grey District Plans in that it specifically identifies the criteria which will be used to identify significant natural areas. Alongside this the Methods section of the Plan specifically states that a plan change will be undertaken within three years to identify significant natural areas in the plan, however this did not occur.

The Rules in the Westland District Plan for indigenous vegetation clearance are found within the zone rules, with the Rural Zone, Settlement Zone (Kumara Junction Developments) and Tourist Zone.

These are outlined in the table below:

Zone	Rule
Small Settlement Zone	<p><u>Kumara Junction Developments</u></p> <p>Permitted Activity: Indigenous vegetation clearance to a maximum amount per site of 2000m²/site. No indigenous vegetation clearance within a minimum 5m strip around all boundaries.</p> <p>Discretionary Activity - Indigenous vegetation clearance to a maximum amount per site of 2000m²/site. No indigenous vegetation clearance within a minimum 3m strip around all boundaries.</p>
Tourist Zone	<p>Controlled Activity – maintenance and pruning, removal of dead or fallen vegetation on specific land identified in Appendix I. (Section 89 Town of Waiho Gorge Block XI)</p> <p>Non – Complying Activity – removal of any indigenous vegetation on land shown in Appendix I not provided for as a controlled activity.</p> <p><u>Franz Josef Developments Ltd Outline Development Area</u></p> <p>Permitted Activity to clear indigenous vegetation subject to a land covenant for conservation being lodged with Lot 12 DP 2631, against the titles of all existing and future sites requiring retention of at least 10% of the indigenous forest on each site. Otherwise Non-complying.</p> <p><u>Franz Alpine Resort – Buffer Area along SH6</u></p> <p>Permitted Activity to clear indigenous vegetation to the extent that no more than 25% of the buildings behind are visible from the State Highway.</p>
Rural Zone	<p>Permitted Activity</p> <p>Indigenous vegetation clearance of up to 2000m² of indigenous vegetation per five years per site:</p> <ul style="list-style-type: none"> a) Where the contiguous land is managed for conservation purposes; or b) From an area of indigenous vegetation more than 5ha in size c) Where this is a natural wetland <p>Indigenous vegetation clearance from an area of indigenous vegetation less than 5ha in total size</p> <p>Discretionary Activity where Permitted Activity standards not met.</p>

There are also controls over the removal of riparian vegetation in the rural zone.

An issues and options paper for Westland's Plan Review in 2009 included options to alter the approach to management of natural heritage and biodiversity, although the paper did not assess the effectiveness of the current provisions.

2.3.4 Analysis of combined operative district plan approaches

All three of the current District Plans were prepared on the basis that further work and identification of significant natural areas (SNAs) would occur. The rule framework in both Grey and Westland reflects this assumption and Buller had policies which anticipated this work being undertaken. In the case of Westland, the Plan states a Plan Change would be undertaken within 3 years (from 2002) to complete this work. The Grey District Plan has a complex rule set relating specifically to the SNA identification process.

Effectiveness of Operative Plan Provisions

An analysis of the indigenous vegetation classes in the 2001, 2008, 2012 and 2018 Land Capability Database (LCDB) was undertaken in 2020. This broadly covers the period of time over which the three Plans were operative and enables some assessment of the effectiveness of the Plan provisions.

This used the net loss in vegetation type as a proxy assessment of the effectiveness of the three plans in protecting indigenous vegetation and habitat. This analysis found that over the 20 year period a net loss of 10,029 ha of indigenous vegetation classes occurred across the West Coast/Te Tai o Poutini. The rate of indigenous vegetation loss was greatest in the 2001-2008 period (average 727 ha/year), and this had halved by the 2012-2018 period where the average rate of loss was 365 ha/year. This broad-brush analysis did not consider the change in indigenous vegetation types in detail however it was noted that:

- Indigenous forest was the greatest land cover class lost during the 20 year period (4817ha) and was nearly twice the area of the next greatest class lost, being manuka and kanuka (2265ha).
- Broadleaved indigenous forest was the third largest class lost during the period (1281ha)
- Fernland appears to have been initially cleared and converted to pasture – but over time it has increased either due to recovery, or the result of other indigenous classes that had been cleared becoming fernland.

Across the time period a resource consent was required for substantive indigenous vegetation clearance in both Buller and Westland and for the period 2005 – 2012 in the Grey District. Information was not available regarding how many resource consents for indigenous vegetation clearance were issued during this time.

From 2012 onwards the Grey SNA process was largely complete and clearance outside of an SNA became a Permitted Activity.

Based on the analysis, the greatest indigenous vegetation losses were seen in the two districts with more stringent vegetation protection rules. In Grey, where only identified SNAs are protected, about 2000ha of indigenous vegetation has been lost in the last 17 years, whereas in Buller the figure is closer to 3600ha and in Westland around 4500ha of indigenous vegetation has been lost, with 2500ha of this in the Harihari ecological district alone.

The greatest period of indigenous vegetation loss was during the 2001-2008 period. This coincided with the dairy boom. It also represented the tail end of the substantive indigenous logging regime on the West Coast/Te Tai o Poutini.

It is not possible to confirm to what extent the indigenous vegetation loss was as a result of the Permitted Activity provisions in the Operative District Plans, or what was authorised by resource consent. Permitted Activity monitoring is not undertaken by the district councils, so any non-compliance with rules is also not able to be speculated on.

However, it should be noted, that the amount of vegetation loss is substantial at a national scale and seems to hold little, if any, relationship with how restrictive of indigenous vegetation clearance the individual operative district plan provisions are.

Land Cover Class	Blackball	Brunner	Buller	Foulwind	Greymouth	Harihari	Hochstetter	Hokitika	Karamea	Maimai	Ngakawau	Reefton	Totara Flat
<i>Broadleaved Indigenous Hardwoods</i>	-23.29	-63.04	-30.62	-103.26	80.39	-601.43	-38.95	-434.62	28.89	-27.88	52.80	-77.24	-120.70
<i>Fernland</i>	34.09	374.05		-231.97	33.60	119.76	94.72	-244.53	-8.43	-7.54	459.07	-27.70	-5.85
<i>Flaxland</i>	-15.10	-4.17		-48.13	-5.03	0.00	-4.28	-4.64	-31.71	0.00	0.00	0.00	0.00
<i>Herbaceous Freshwater Vegetation</i>	-12.54	-88.48	0.00	-15.47	0.00	-9.80	-25.14	-119.34	-72.40	-4.14	-2.67	-1.71	-10.51
<i>Herbaceous Saline Vegetation</i>				0.00	0.00	0.00		-6.53	0.00				
<i>Indigenous Forest</i>	-287.16	-184.11	-68.45	-95.26	-127.22	-574.06	-526.64	-435.65	-156.05	-785.74	-39.82	-510.51	-415.35
<i>Lake or Pond</i>	0.95	0.00	0.00	22.97	6.26	0.86	-0.85	10.68	0.00	1.83	-13.43	0.00	43.54
<i>Manuka and/or Kanuka</i>	-85.97	-17.97	-5.45	-642.79	-26.33	-292.53	-440.80	-341.08	-110.68	-97.77	-47.33	-157.41	-90.36
<i>Matagouri or Grey Scrub</i>	0.00	0.00				-1035.64	-17.07	-14.75					
<i>Sub Alpine Shrubland</i>	0.00	0.00	0.00			0.00	0.00		0.00	0.00	0.00	0.00	0.00
<i>Tall Tussock Grassland</i>	-14.14	0.00	0.00			0.00	0.00	0.00	6.20	0.00	-19.33	2.05	0.00
<i>Total Indigenous</i>	-403.17	16.27	-104.52	-1113.90	-38.33	-2392.85	-958.99	-1590.46	-344.19	-921.22	389.28	-772.50	-599.23
<i>Total Wetland</i>	-11.59	-88.48	0.00	7.50	6.26	-8.94	-25.98	-115.19	-72.40	-2.30	-16.10	-1.71	33.03
<i>Total Forest</i>	-396.43	-265.13	-104.52	-841.30	-73.16	-2503.66	-1023.45	-1226.09	-237.85	-911.38	-34.36	-745.15	-626.41

2.4 Analysis of Best Practice – How Other Councils are Addressing the Same Issue

A review of how other Councils have managed these issues has been undertaken – with an emphasis on recent plans. The following District Plans were reviewed:

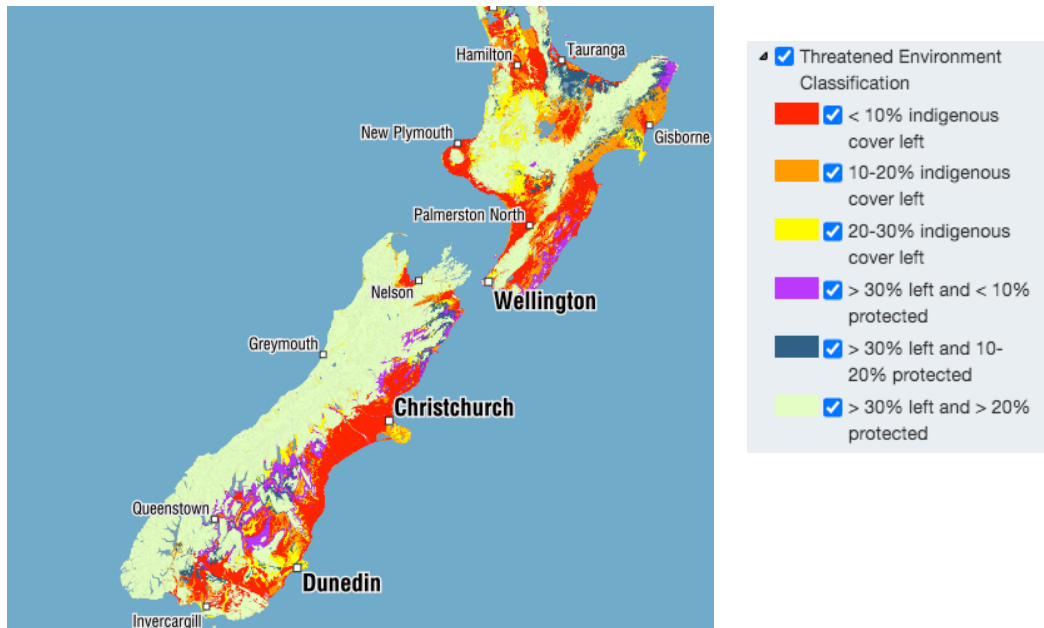
- New Plymouth District Plan (2nd generation, proposed)
- Selwyn District Plan (2nd generation, proposed)
- Hurunui District Plan (2nd generation, operative)
- Far North District Plan (2nd generation, draft)
- Timaru District Plan (2nd generation, draft)
- Opotiki District Plan (2nd generation, operative)

Key points which this review identifies are that:

- SNAs are included in nearly all 2nd generation plans. However, the Hurunui District Council (plan operative 2018) and the Opotiki District Plan (operative 2020) are notable exceptions.
- General indigenous vegetation clearance rules were found in all plans.
- More recent plans have more restrictive rules for general vegetation clearance and SNAs (Discretionary and Non-Complying are more common) – this is particularly the case where Plans have been finalised via Environment Court processes.
- Older plans have more Permitted, Controlled and Restricted Discretionary Activities.
- Where SNAs are not identified there are generally reasonably restrictive (Discretionary or Non-Complying) general vegetation clearance rules.
- New Plymouth, Auckland and Far North all have a “Development Bonus” regime where legal and other types of protection of significant areas is undertaken. This means landowners have fewer restrictions on development elsewhere on their properties.

It should be noted that all the plans reviewed are in locations where indigenous biodiversity has been very substantially degraded and the extent reduced to a small fraction of the original indigenous vegetation. This differs markedly from the situation on the West Coast/Te Tai o Poutini. When the extent of indigenous vegetation (and area protected) is compared to the West Coast/Te Tai o Poutini situation, the most similar areas in the country are Tasman and Ruapehu Districts. However these district councils have not yet produced second generation district plans so analysis of their current provisions is of limited use.

The map below shows the Threatened Environments Classification for the South Island and lower North Island. From this it can be seen how different the situation is on the West Coast/Te Tai o Poutini compared to those districts on the east coast of the South Island, and in the lower North Island.



2.5 Summary of Issues Analysis

In relation to the identification of SNAs, there is a need to review the significance criteria and process. The criteria in the operative District Plans do not align with the WCRPS criteria – but both the Operative District Plan criteria and those of the WCRPS do not align with the draft NPSIB criteria. Ideally the process of SNA identification is undertaken once – with the robust criteria that will be in place for the life of the Plan. It would be unfair to subject landowners to multiple assessments and reassessments as criteria change and “the goalposts shift”.

There are a range of methods for managing activities that affect areas of significant indigenous vegetation and significant habitats of indigenous fauna, including different rules and thresholds for standards. The rules to be included in the plan need to be appropriate to the values identified, the knowledge held and the threats to biodiversity values.

Beyond protection, the plan needs to include opportunities to provide for enhancement and restoration where appropriate, and to ensure the ongoing support for the community and stakeholders who play a vital role in the protection and enhancement of biodiversity values.

3.0 Scale and Significance Evaluation

The level of detail undertaken for the evaluation of the Proposed TTPP provisions has been determined by an assessment of the scale and significance of the implementation of these provisions. The scale and significance assessment considers the environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following, namely whether the provisions:

	Minor	Low	Medium	High
Degree of change from the Operative Plans			x	
Effects on matters of national importance (s6 RMA)				x
Scale of effects – geographically (local, district wide, regional, national)				x
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)				x
Scale of effects on those with particular interests, e.g. Tangata Whenua			x	
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?				x
Likelihood of increased costs or restrictions on individuals, businesses or communities			x	

3.1 Explanation Summary

The level of detail of analysis in this report is high.

Areas of significant indigenous vegetation are widespread through the West Coast/Te Tai o Poutini and are often highly valued by the community, whether for their contribution to the Region's iconic scenery and/or for opportunities for recreational activities, mahinga kai gathering or ecological values. The protection of indigenous biodiversity values is identified as a matter of national importance to the country.

However, it is acknowledged that much of the land within these areas is privately owned or leased and actively farmed, with landowners needing to manage and develop their land. Activities within these farmed areas can adversely impact on the biodiversity values and generally need to be limited in nature and extent to protect the identified values, meaning that resource consents are required for a broader range of activities than in other rural areas, with subsequent costs. In addition, consenting information requirements can impose additional costs on applicants as specialist ecological assessments are often required. However, the cost to the environment of not appropriately managing activities that impact on biodiversity values has the potential to be very high and this is recognised as a matter of national importance under the Resource Management Act

4.0 Evaluation

4.1 Evaluation of Objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

Existing Objectives	Appropriateness to Achieve the Purpose of the Act
<p>Buller District Plan Objective: To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to recognise their importance to the character and quality of the natural and physical environment and to the wellbeing of the people and communities in Buller.</p>	<p>These objectives could be relatively easily amalgamated into one set of objectives for all three districts. They are generally consistent with the views of TTPP Committee and statutory and policy context.</p> <p>However, they omit completely the recognition of the relationship between Poutini Ngāi Tahu with their taonga and the need to address this within the framework and the clear strategic direction set by the TTPP Committee around this matter.</p> <p>The current objectives are not considered the most appropriate in addressing the Ecosystems and Biodiversity issues identified and in achieving the purpose of the RMA. New objectives are proposed as detailed below.</p>
<p>Grey District Plan Objective: The protection and where possible enhancement of areas of significant indigenous vegetation and habitats of indigenous fauna.</p>	
<p>Westland District Plan Objectives:</p> <p>Objective 3.7.1 To recognise and provide for the unique values and importance of natural environments and ecosystems in Westland.</p> <p>Objective 3.7.2 To recognise that the people of the district can provide for their needs within the context of sustainable management.</p> <p>Objective 3.7.3 To protect the integrity, functioning, and health of indigenous ecosystems and maintain the current diversity of indigenous flora and fauna.</p>	
<p>Proposed TTPP Objectives:</p> <p>Ecosystems and Biodiversity Chapter</p> <p>ECO – O1: To identify and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna on the West Coast/Te Tai o Poutini.</p> <p>ECO – O2: To provide for appropriate subdivision, use and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna where the values of the area can be maintained or enhanced.</p> <p>ECO – O3: To provide for tino rangatiratanga in relation to management of areas of significant indigenous vegetation and significant habitats of indigenous fauna where these are located</p>	

<p>on Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu land.</p> <p>ECO – O4: To maintain the range and diversity of ecosystems and indigenous species found on the West Coast/Te Tai o Poutini.</p>	<p>other taonga are also required to be recognised and provided for as matters of national importance.</p> <p>In addition, under Section 7 of the RMA, the Council must have particular regard to kaitiakitanga, the maintenance and enhancement of amenity values, intrinsic values of ecosystems, maintenance and enhancement of the quality of the environment, and any finite characteristics of natural and physical resources.</p> <p>The objectives directly relate to the identified resource management issues for Ecosystems and Indigenous Biodiversity, the purpose of the RMA, and provide certainty to Plan users of the outcomes that are appropriate and expected under the TTPP framework. These objectives are aligned with best-practice, and considered reasonable and achievable.</p>
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Evaluation of Alternative Option	Appropriateness to Achieve the Purpose of the Act
<p>Do not define expectations for Ecosystems and Biodiversity in TTPP. Rely on WCRPS provisions to set direction.</p>	<p>This option would hinder decision makers when assessing resource consent applications as they would have little guidance on what outcomes are expected. It would also fail to properly recognise and provide for the protection of significant vegetation and habitats, and protect these values from inappropriate subdivision, use and development. It would also not recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands and taonga.</p>
<p>Summary</p> <p>The proposed objectives will achieve the purpose of the RMA as they are a clear statement of intent that significant natural areas will be identified and protected, and indigenous biodiversity will be maintained and where appropriate enhanced. They also recognise and provide for tino rangatiratanga and the kaitiaki role of mana whenua. They provide certainty as to the outcomes that are appropriate under the TTPP provisions and are aligned with best practice throughout New Zealand.</p>	

4.1 Evaluation of Policies and Rules in relation to Ecosystems and Indigenous Biodiversity

4.1.1 Description of the Proposed Provisions

Policies

There are ten policies for ecosystems and indigenous biodiversity. These policies address the following matters:

1. Identification of areas of significant indigenous biodiversity
2. Where subdivision, use and development is appropriate in areas of significant biodiversity
3. Encouraging the protection, enhancement and restoration of significant indigenous biodiversity
4. Providing for ecotourism activities
5. Enabling the use of Māori Purpose Zoned land with significant biodiversity in a way that is consistent with tikanga and mātauranga Māori
6. Activities which should be avoided
7. Matters that should be considered in assessing resource consents
8. Maintaining indigenous habitats and ecosystems
9. Providing for biodiversity offsets and compensation to manage residual effects
10. Protection of indigenous biodiversity in the coastal environment.

Rules

The rules for indigenous vegetation clearance recognise that SNAs in the Grey District are mapped and identified in Schedule Four of the Plan. Within an SNA all indigenous vegetation clearance is a Discretionary Activity.

In Grey District, outside of SNAs, ONLs, the coastal environment and riparian areas, vegetation clearance is a Permitted Activity (refer to the Natural Character and Margins of Waterbodies section for provisions relating to indigenous vegetation clearance there). Provisions for indigenous vegetation clearance in ONLs and the coastal environment are the same as in the Buller and Westland Districts and these are discussed further below.

The rules recognise that in Buller and Westland the identification of specific SNAs has not been undertaken and a "General Vegetation Clearance Approach" is undertaken. The rules take a cascading approach recognising that there are activities that can be undertaken where the effects on significant indigenous biodiversity are minor, and provided they meet appropriate standards, can be Permitted, or subject to a lower tier consent.

Permitted Activities for indigenous vegetation clearance outside the coastal environment are when the purpose is:

- To enable repairs and maintenance of lawfully established infrastructure and structures
- To install temporary network activities following an emergency
- To prevent serious threats to people, property structures or services
- Ensuring safety of people – including the safe operation of accessways, or management of fire under the Fire and Emergency Act,
- Construction of walking tracks and below ground utilities and cables
- Clearance for building, access or parking where there is no practical alternative development area on the site
- For cultural harvest by Poutini Ngāi Tahu
- To undertake activities on Māori Purpose Zoned land in accordance with an Iwi/Papatipu Rūnanga Management Plan
- Authorised by a legal instrument on a covenanted site

In addition clearance of mānuka, kānuka and bracken under 15 years old of 5ha/site/3 years, or other indigenous vegetation with a maximum area of 5000m²/site/3 years or removal of windthrown timber is a Permitted Activity.

Controlled Activities are: Indigenous vegetation clearance in accordance with an approved plan or permit issued under the Forests Act 1949.

Restricted Discretionary Activities are: Indigenous vegetation clearance outside of an ONL not meeting Permitted or Controlled Activity standards.

In all three districts, other than the specific Permitted Activities, indigenous vegetation clearance within an ONL is a Discretionary Activity.

These rules recognise that where Outstanding Natural Landscapes (ONLs) have been identified these areas are likely to be important locations for biodiversity due to being large areas of indigenous vegetation, contiguous with public conservation lands and that therefore the threshold for any resource consent for significant clearance should be higher than other general areas of indigenous vegetation.

Non-complying Activities: Planting of plant pests or releasing animal pests in an area of significant biodiversity.

Indigenous vegetation clearance in the coastal environment

Within the coastal environment, in all three districts, indigenous vegetation clearance in the coastal environment is much more restricted.

Permitted Activities are only provided for where this is clearance outside of an SNA, up to a maximum 500m²/3 years/site and for the following purposes:

- i. Walking/cycling tracks, roads, farm tracks or fences;
- ii. Operation, maintenance, repair, upgrading and installation of new network utility infrastructure and renewable energy generation activities; or
- iii. Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site

Outside of Permitted Activities, indigenous vegetation clearance in the coastal environment is a Restricted Discretionary Activity, unless this is an ONL, ONF or area of High or Outstanding Natural Character(H/ONC). In these situations the indigenous vegetation clearance is a Discretionary Activity.

Subdivision Rules in Relation to Indigenous Biodiversity

A key part of the ecosystems and indigenous biodiversity provisions are subdivision rules which aim to support landowners wishing to legally protect the significant biodiversity on their property through allowing additional development or "bonus lots".

There are four rules which are duplicated in both the Ecosystems and Indigenous Biodiversity and Subdivision Chapters as follows:

Controlled Activity: Subdivision of land containing areas of significant indigenous vegetation or significant habitats of indigenous fauna – where an allotment of 4000m² is created, provided that in the General Rural Zone a balance area of 4ha is left on the original title.

Restricted Discretionary Activity: Subdivision of land containing areas of significant indigenous vegetation or significant habitats of indigenous fauna – where up to 3 allotments of 4000m² are created.

Discretionary Activity: Subdivision of land containing areas of significant indigenous vegetation or significant habitats of indigenous fauna – where 4 or more lots are created.

Non-complying Activity: Subdivision of land containing areas of significant indigenous vegetation or significant habitats of indigenous fauna not meeting the Controlled, Restricted Discretionary or Discretionary rules.

Key Definitions

Indigenous Vegetation Clearance means the clearing or removal of indigenous vegetation by any means, including cutting, crushing, cultivation, irrigation, chemical application, drainage, stopbanking, overplanting, or burning.

Significant Indigenous Biodiversity means

- a. areas that have been assessed as an area of significant indigenous vegetation or significant habitat of indigenous fauna in accordance with the criteria set out in the West Coast Regional Policy Statement; or
- b. areas that have been identified as Significant Natural Areas in any West Coast Regional or District Plan.

4.2.2 Evaluation of Options around Ecosystems and Indigenous Biodiversity

Option	Benefits	Costs	Efficiency and Effectiveness	Risk of acting/not acting
<p>Option A: status quo</p> <p>Buller District: Eight policies focussing on identification and protection of values of indigenous vegetation and fauna habitat. Different rules in different zones controlling indigenous vegetation clearance. Within the rural areas a graduated range of rules to manage activities with more significant effects</p> <p>Grey District: Four policies and a rule set focussed on the identification of SNAs and a process for incorporating them in the District Plan. Permitted Activity to clear indigenous vegetation outside of specified SNAs and ONLs and riparian areas, Discretionary Activity within those specified areas.</p> <p>Westland District: Four policies around identifying and supporting values of indigenous vegetation and fauna habitat. Different rules in different zones controlling indigenous vegetation clearance. Within the rural zone a Discretionary Activity</p>	<ul style="list-style-type: none"> Rules are known and have been operating without significant concern for the last 20 years. 	<ul style="list-style-type: none"> The current approach does not meet the requirements of the WCRPS. While criteria are identified in the policies for SNA identification, these are different to the WCRPS criteria. The current rules and assessment criteria do not differentiate where there are threatened environments or species—placing the risk that these areas and their values could be further impacted. No provisions for Poutini Ngāi Tahu uses and generally the provisions do not reflect the principles of Te Tiriti. <p><u>In the Grey District</u></p> <ul style="list-style-type: none"> The SNA process that was agreed upon between a number of stakeholders at the time of the Grey District Plan being made operative is not implemented. Lack of clear mapping reduces certainty of the area subject to SNA requirements 	<ul style="list-style-type: none"> It is not clear whether the current approach is effective at managing indigenous vegetation clearance, as very substantial areas have been cleared over the last 20 years. However it remains a fact that most ecosystem types on the West Coast/Te Tai o Poutini do not meet the threshold as a “threatened environment”. WCRPS requires identification of SNAs in accordance with specific criteria. Maintaining three sets of approaches is inconsistent with the efficiencies sought from the creation of a combined district plan. 	<p>The risk of acting on these status quo provisions is that:</p> <ul style="list-style-type: none"> The current policy framework lacks detail and specific direction on appropriate or inappropriate activities The current policy framework does not recognise the requirements of the WCRPS or what is regarded as good practice in modern planning.

resource consent is required to clear areas beyond a certain size which varies depending on adjacent land tenure, size and value.		<ul style="list-style-type: none"> The operative Grey District Plan restricts indigenous vegetation clearance over the entire site containing the SNA. While this was necessary until all the SNA boundaries had been confirmed it is overly restrictive for those landowners who have confirmed SNA boundary and values with Council. 		
Option B: All three districts have the same approach – General Vegetation Clearance Provisions.	<p><u>In the Grey District</u></p> <ul style="list-style-type: none"> No need for individual properties to be identified in the Grey District. Allows for the potential for sites which did not meet the Grey District significance criteria – but do meet the WCRPS criteria to be reassessed on a case-by-case basis. <p><u>In the Buller and Westland Districts</u></p> <ul style="list-style-type: none"> This approach has been operating without significant concern for the last 20 years. 	<p><u>In the Grey District</u></p> <ul style="list-style-type: none"> The SNA process that was agreed upon between a number of stakeholders at the time of the Grey District Plan being made operative is not implemented. More landowners in the Grey District affected by vegetation clearance restrictions. Substantial investment in time and money to undertake the Grey SNA process is wasted. <p><u>In the Buller and Westland Districts</u></p> <ul style="list-style-type: none"> Unless SNAs are identified, the approach does not meet the requirements of the WCRPS. 	<ul style="list-style-type: none"> WCRPS requires identification of SNAs in accordance with specific criteria. As Grey District Council has already undertaken significant work from (2007 – 2019) to identify via a desk top exercise, and then to field check SNA sites a general clearance rule is not considered to be efficient or effective. The Grey District Council has sufficient knowledge to identify SNAs which gives greater certainty for landowners. Having one approach is consistent with the efficiencies sought from the creation of a combined district plan 	<ul style="list-style-type: none"> Risks of acting in accordance with this approach includes landowners with known SNAs not being aware the vegetation on their property is significant, and increased likelihood for disturbance and local extinction.
Option C: Proposed Plan: General vegetation clearance	<ul style="list-style-type: none"> Objectives, policies and assessment criteria are 	<ul style="list-style-type: none"> This approach does not meet the requirements of 	<ul style="list-style-type: none"> The proposed provisions are a more effective and 	<ul style="list-style-type: none"> The TTPP Committee has sufficient information to

<p>approach in Buller and Westland and SNA identification in Grey.</p> <p>Specific provisions in subdivision rules providing for additional lots where significant indigenous biodiversity is protected.</p>	<p>updated and reflect the requirements of the WCRPS</p> <ul style="list-style-type: none"> • Subdivision additional lot incentives encourage legal protection in perpetuity and physical protection and restoration to encourage biodiversity gains. • Clear matters of discretion that will assist decision makers when assessing resource consent applications. • Will also assist in protecting landscape values. • Indigenous vegetation clearance restrictions may indirectly assist in flood management. • Permitted Activity rules provide a clear basis for day-to-day maintenance and operational activities to occur without the need for resource consents. • Poutini Ngāi Tahu enabled to undertake cultural uses and to develop their land in accordance with tikanga <p><u>In the Buller and Westland Districts</u></p> <ul style="list-style-type: none"> • This approach has been operating without significant concern for the last 20 years. 	<p>the WCRPS to identify SNAS in accordance with criteria set out in the WCRPS.</p> <ul style="list-style-type: none"> • Not undertaking the significance assessment at the time of plan preparation means that some landowners may be unnecessarily restricted in relation to vegetation clearance. 	<p>efficient option than the status quo as they provide clear regulation of indigenous vegetation clearance while also providing for ongoing maintenance activities without the need for resource consents.</p> <ul style="list-style-type: none"> • WCRPS requires identification of SNAs in accordance with specific criteria. • Maintaining two sets of approaches is inconsistent with the efficiencies sought from the creation of a combined district plan. 	<p>determine the effect of the provisions. As the Proposed Plan provisions are largely an update to the Operative Plans provisions, the Committee has a good understanding of the activities affecting indigenous vegetation and fauna habitat and their associated effects on biodiversity values.</p> <ul style="list-style-type: none"> • The provisions being proposed have been applied in several district plans and are understood to be effective. • The proposed approach is not consistent with the WCRPS.
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	<p><u>In the Grey District</u></p> <ul style="list-style-type: none"> • The SNA process that was agreed upon between a number of stakeholders at the time of the Grey District Plan being made operative is implemented. • Clear mapping of the boundaries of mapped SNAs provides a greater level of protection 			
<p>Option D: SNAs identified in all three districts using criteria identified in the WCRPS.</p>	<ul style="list-style-type: none"> • Objectives and policies are updated and reflect the requirements of the WCRPS • Clearly identified SNAs so that landowners and resource users know what natural values are important on their property • Targeted provisions to support SNAs while allowing development to occur without resource consents in other areas 	<ul style="list-style-type: none"> • Substantial costs (in excess of \$1 million) required to identify, and field assess SNAs • Significant time required to undertake SNA assessment – expected to be at least 5 years • Strong opposition from landowners to access their properties to assess SNAs will mean that the WCRC will need to use its powers of entry to access properties • Clear indications that some landowners will undertake clearance of the vegetation on their properties rather than allow it to be identified as an SNA 	<ul style="list-style-type: none"> • Having one approach is consistent with the efficiencies sought from the creation of a combined district plan • This approach is consistent with the requirements of the WCRPS 	<ul style="list-style-type: none"> • The risk of acting on this approach is that the government is promulgating a National Policy Statement for Indigenous Biodiversity that has different significance criteria to those in the WCRPS. By identifying SNAs using the WCRPS criteria now, there is a risk that the identification will need to be reviewed following the NPSIB coming into effect. • SNAs are identified in a large number of districts across New Zealand, and the outcome of this identification is well understood.
<p>Option E: Methods outside TTPP</p> <ul style="list-style-type: none"> - Rely on non-regulatory methods. 	<ul style="list-style-type: none"> • Increased economic and development opportunities and flexibility for landowners as they are not subject to regulatory 	<ul style="list-style-type: none"> • No regulatory controls increase uncertainty as the onus is on private landowners to protect biodiversity for the public 	<ul style="list-style-type: none"> • No rules would enable inappropriate activities, subdivision and development which could lead to the detriment or loss 	<ul style="list-style-type: none"> • The risk of acting on the non-regulatory approach means that TTPP Committee may not be carrying out its

<ul style="list-style-type: none"> - Rely on private landowners to manage and protect indigenous biodiversity. 	<p>restrictions to protect biodiversity.</p>	<p>good, with economic implications for landowners.</p> <ul style="list-style-type: none"> • Loss of the important values of ecosystems and natural character of ecosystems, and their contribution to community identity, sense of place, amenity values and quality of the environment. 	<p>of the SNAs, without any constraints. This approach has no certainty and has the potential to result in significant adverse effects. No rules or standards in the TPP are not considered effective to achieve the objectives or the requirements of the RMA, particularly Sections 6(c) and 7(a).</p> <ul style="list-style-type: none"> • WCRPS requires identification of SNAs in accordance with specific criteria. 	<p>duty/requirements under the RMA and it is likely to result in adverse effects on biodiversity and ecosystems.</p> <ul style="list-style-type: none"> • It is considered that there is sufficient information to determine that Option E on its own is not appropriate (i.e. there is sufficient information so a low risk of acting).
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Quantification

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.

In this respect the Section 32 analysis for the draft NPSIB³ provides some useful information. It recognises that while opportunity costs to landowners will arise from the protection of SNAs (or the presence of indigenous biodiversity generally) these costs are difficult to quantify. This is particularly challenging in terms of the potential opportunity cost for landowners of foregone farming production and revenue if provisions to achieve indigenous biodiversity outcomes may impose limits on the land use. That is because landowners commonly have a number of options for farming or similar activity, which may mean that indigenous biodiversity provisions which apply to particular parts of a landholding will not necessarily impact on operations or output simply according to the share of the holding which is affected. Accordingly, while say 10% of a holding may be included in an SNA, that does not mean 10% of the operation or output would necessarily be impacted. Quantifying opportunity costs with any level of certainty requires a more detailed understanding of how the provisions in TPP relating to biodiversity and ecosystem identification and protection, for example, will constrain a particular operation and the landowner intentions for the future development of that operation/property. This cannot be predicted with any real level of confidence through a desk-top spatial analysis.

The draft NPSIB cost benefit report identifies that opportunity costs of protection of indigenous biodiversity on general land are most likely to arise from limitations on the subdivision, use and development on such properties, rather than precluding subdivision, use and development altogether. Most limitations are likely to be

³ NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY – SECTION 32 EVALUATION AND COST BENEFIT ANALYSIS Department of Conservation Strategic Policy DRAFT REPORT October 2019

dealt with by general landowners with modifications and adaptations to the next best outcome. On that basis, the consequence of biodiversity protection for most activities is estimated to be low. Examples of opportunity costs on general land could include:

- Less potential to subdivide if avoiding indigenous vegetation clearance would preclude a building site or if there were rules that meant significant biodiversity could not be subdivided (resulting in lower lot yields, or at worst, no subdivision potential);
- The need to shift a proposed building site, access track, driveway, or road to avoid vegetation clearance;
- The need to develop available land more intensively if the ability to spread activities (such as a house design or commercial building) would have required some removal of vegetation; and
- An inability to clear a portion of land for pasture if that land is subject to biodiversity protection.

The draft NPSIB cost benefit report also considered opportunity costs for businesses operating mining or extractive activities. The report considered that every site is unique, and this will make it difficult to quantify or monetise effects on this industry with any certainty. In terms of potential opportunity costs on nationally significant infrastructure, the report identified that opportunity costs may take the form of needing to relocate planned infrastructure to avoid SNAs (if in fact there are alternatives) or considering alternate methods of development such as undergrounding pipes or cables. Because of the significant capital costs of national infrastructure, any modifications or adaptations (outside the preferred location, route or method) will potentially result in significant costs in dollar terms (but not necessarily significant in % terms relative to total costs).

Summary:

In order to meet the requirements of the WCRPS and the RMA the most appropriate option is Option D: Identification of SNAs using WRCPS criteria and associated rules. However there are very substantial costs to undertaking this – and considerable uncertainty arising due to the imminent introduction of the NPSIB with different significance criteria. This work is intended to be undertaken once the NPSIB requirements are finalised, including significance criteria. It is expected that this work will take in the order of 3-5 years to be completed, and that a Plan Change introducing further SNAs into Schedule Four will be undertaken at that time. Until such a Plan Change is promulgated, the analysis shows that the proposed provisions in Option C as put forward are the best interim approach until such time as:

- Significance criteria are confirmed in the NPSIB;
- Sufficient funding is allocated to be able to undertake field assessment to identify significant natural areas in accordance with the criteria;
- The large amount of work is undertaken to do this assessment; and
- A Plan Change (or Variation) is undertaken to bring TTPP fully into compliance with the WCRPS and NPSIB

The proposed provisions are considered to be the most effective means of achieving the objective(s) at this time as together they will:

- give partial effect to the WCRPS
- enable the councils to meet s6 requirements of the RMA
- ensure that adverse effects of activities on indigenous biodiversity are managed appropriately until such time as a Plan Change/Variation is undertaken.
- enable the councils to effectively administer TTPP and to monitor the outcomes of the proposed provisions in a clear and consistent manner.

5.0 Summary

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as an interim measure until a Plan Change is able to be made which would bring the Plan into full compliance with the NPSIB and WCRPS:

- The objectives and policies provide direction and certainty to plan users on the outcomes expected for ecosystems and biodiversity.
- The inclusion of a schedule for already known and field assessed SNAs in the Grey District.
- Permitted activity rules in respect to indigenous vegetation clearance which allow for maintenance and repair to existing structures and infrastructure.
- Permitted activity rules which allow for some level of indigenous vegetation clearance where the adverse effects are considered to be less than minor
- Activities that may generate adverse effects, reduce the quality of the environment and harm the integrity of ecosystems, biodiversity and in particular threatened species and habitats and items are appropriately managed through the resource consent process.
- Other methods outside TTPP that are effective in practice to achieve the proposed objectives will continue to be used alongside the regulatory approach.

Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.

Part Two: Natural Features and Landscapes/Ngā Āhua me ngā Horanuku Aotūroa

6.0 Overview and Purpose

This s32 evaluation report should be read in conjunction with the s32 'Overview Report', which also includes an overview of the s32 legislative requirements, the methodology and approach to the s32 evaluations and the process that the TTPP Committee has undertaken to date through the development of Te Tai o Poutini Plan, including consultation and engagement.

Outstanding Natural Features and Landscapes are prominent features and landscapes which make a valuable contribution to local amenity and add a sense of character and identity to places and areas of the West Coast/Te Tai o Poutini. Protecting these landscapes and features from inappropriate subdivision, use and development is a matter of national importance under Section 6(b) of the RMA and will ensure continuity between generations, and is important to the legacy which is left for future generations.

This report sets out the statutory and policy context, the key resource management issues, specific consultation and approach to evaluation on this topic to decide on the proposed provisions. The report also includes a review of the existing plan provisions and an evaluation of alternative methods to achieve the purpose of the Resource Management Act (RMA) in relation to the Outstanding Natural Features and Landscapes topic.

6.1 Introduction to the Resource Management Issue

The West Coast/Te Tai o Poutini is noted for its natural values and extensive natural landscapes. There are five national parks on the West Coast/Te Tai o Poutini and two Water Conservation Orders and the Te Wahipounamu World Heritage Area. These areas reflect the wild and scenic nature of many parts of the West Coast/Te Tai o Poutini. Alongside this natural beauty, these landscapes give a sense of place and connection for residents of the West Coast/Te Tai o Poutini, and Poutini Ngāi Tahu and are the drawcard for the many domestic and international tourists that come to the West Coast/Te Tai o Poutini. Some of these landscapes include ancestral maunga and there are many stories and traditions that Poutini Ngāi Tahu have about these lands.

Alongside these values there are also natural features with unique scientific, cultural or amenity values. The West Coast/Te Tai o Poutini geology reflects the massive tectonic processes which formed the South Island, and there are areas of national and international significance which reflect these events.

The operative district plans take a variable approach to managing landscape and natural features. In Buller there is particular recognition of the Paparoa Range and coastline as having substantial landscape value. In Grey the Elizabeth Range and backdrop of hills to Greymouth town are specifically identified as important. There are no specific rules addressing landscape in the Westland District Plan, but the approach to managing rural development and indigenous vegetation clearance incorporates landscape values. Since the operative plans were written planning practice and landscape assessment methods have developed. There is also now substantial case law around landscape management and protection. This subsequent work places in sharp relief the requirements around protection of outstanding natural landscapes and natural features in the RMA, and generally it can be summarised that these are insufficiently dealt with in the operative district plans.

6.2 Regulatory and Policy Direction

6.2.1 Part 2 of the RMA

Section 6 of the RMA specifically requires that the Council recognise and provide for matters of national importance. The Section 6 matters of national importance relevant to the proposed provisions are:

(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.

(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

(e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

Section 7 of the RMA requires the Council to have particular regard to the following matters:

(a) Kaitiakitanga

(aa) The ethic of stewardship

(c) The maintenance and enhancement of amenity values

(d) Intrinsic values of ecosystems

(f) Maintenance and enhancement of the quality of the environment

(g) Any finite characteristics of natural and physical resources

All of the above matters are relevant for the protection of Outstanding Natural Features and Landscapes from inappropriate subdivision, use and development.

In particular, Outstanding Natural Features and Landscapes have cultural, spiritual and historical significance to iwi and kaitiakitanga and the ethic of stewardship is relevant to ensure that these links are maintained.

The maintenance and enhancement of amenity values and the quality of the environment is important to ensure that features and landscapes are maintained and enhanced.

Section 8 of the RMA requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Tangata whenua, through iwi authorities have been consulted as part of the review process.

This feedback has informed the s32 evaluation, and the obligation to make informed decisions based on that consultation is noted. Furthermore, the identification of the outstanding natural features and landscapes has been informed through this engagement with the iwi authorities.

6.2.2 National Instruments

The following national instruments are relevant to this topic / issue:

1. The New Zealand Coastal Policy Statement. Under section 75(3)(b) of the RMA, the District Plan must give effect to any New Zealand Coastal Policy Statement (NZCPS). The NZCPS recognises that many natural features and natural landscapes are located within the coastal environment and they are at risk from inappropriate subdivision, use and development. Policy 15 (Natural features and natural landscapes) is of particular relevance.
2. The National Environmental Standard on Plantation Forestry. This came into force from 1 May 2018 and puts in place standards for forestry activities. This has implications for landscape areas as it includes an activity status for forestry in ONFLs (restricted discretionary). It does however enable a district plan to apply more stringent rules to protect ONFLs and their recognised values.
3. The National Policy Statement on Renewable Electricity Generation, and National Policy Statement on Electricity Transmission will be considered in the Energy and Infrastructure s32 report, but the utility provisions will need to consider outstanding natural landscape and natural features provisions unless the provisions of the NPS's override landscape considerations.

6.2.3 National Planning Standards

The following aspects of the National Planning Standards are relevant to this topic / issue:

1. The Draft District Plan Structure Standard is relevant to this topic as is the requirement to have a natural environmental values section within which there is to be a Natural Features and Landscapes chapter. There is a requirement that this chapter contain:

- identification of features and landscapes that are outstanding, significant or otherwise valued
- provisions to protect and manage outstanding natural features and landscapes including from inappropriate subdivision, use and development
- provisions to manage other valued features and landscapes.

2. ONFL's are to be identified as overlays on the planning maps as required for areas that have been spatially identified following a district wide assessment and have been determined to have distinctive values and be subject to environmental risks and factors that require management in a different manner from the underlying zone provisions.

6.2.4 Regional Policy and Plans

West Coast Regional Policy Statement

Chapter 7B of the West Coast Regional Policy Statement (WCRPS) addresses natural features and landscapes and contains two objectives and four policies in relation to these.

The Objectives are:

Objective 7B.1. Protect the region's outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use and development.

Objective 7B.2. Provide for appropriate subdivision, use and development on, in or adjacent to outstanding natural features and outstanding natural landscapes to enable people and communities to maintain or enhance their economic, social and cultural wellbeing.

The Policies are:

7B 1. Use regionally consistent criteria to identify outstanding natural features and outstanding natural landscapes.

2. Protect the values which together contribute to a natural feature or landscape being outstanding, from inappropriate subdivision, use and development.

3. When determining if an activity is appropriate, the following matters must be considered:

- a) Whether the activity will cause the loss of those values that contribute to making the natural feature or landscape outstanding;*
- b) The extent to which the outstanding natural feature or landscape will be modified or damaged including the duration, frequency, magnitude or scale of any effect;*
- c) The irreversibility of any adverse effects on the values that contribute to making the natural feature or landscape outstanding;*
- d) The resilience of the outstanding natural feature or landscape to change;*
- e) Whether the activity will lead to cumulative adverse effects on the outstanding natural feature or landscape;*

4. Allow activities in outstanding natural features and outstanding natural landscapes which have no more than minor adverse effects.

Policy 1 recognises that it is best practice to use regionally consistent criteria for identifying outstanding natural features and landscapes, to contribute to an integrated management framework across the region. Outstanding natural landscapes and features may cross district boundaries. It needs to be evident where outstanding areas are located, so that when a subdivision, use or development proposal is put forward, robust decisions can be made regarding its appropriateness.

Policy 2 seeks to protect the values of outstanding natural features and landscapes from inappropriate subdivision, use and development. What is "inappropriate" is assessed by reference to what is to be "protected".

Policy 3 is to assist decision-makers to determine whether a proposed subdivision, use or development is appropriate.

Policy 4 recognises that some activities will result in effects that are no more than minor and provides for these to take place as a permitted activity, or in accordance with a resource consent.

The methods section of this chapter identifies that outstanding natural landscapes and features should be identified in regional and district plans.

Chapter Six of the West Coast Regional Policy Statement addresses regionally significant infrastructure.

Policy 6.6 and 6.7 are relevant to ONFLs and states:

6.6 Provide for the operation, maintenance and upgrading of existing renewable electricity generation activities and electricity distribution and transmission networks in areas of natural character of wetlands, and lakes and rivers and their margins (including outstanding natural character), outstanding natural features or natural landscapes, or areas of significant indigenous vegetation and significant habitats of indigenous fauna including within the coastal environment.

Policy 6 gives effect to the NPSREG and provides for existing renewable electricity generation activities and electricity distribution and transmission networks in areas of natural character or containing significant or outstanding values throughout the region.

6.7

(1) In the case of the National Grid, operation, maintenance or minor upgrading of existing National Grid infrastructure shall be enabled.

(2) In the case of the National Grid, following a route, site and method selection process and having regard to the technical and operational constraints of the network, new development or major upgrades of the National Grid shall seek to avoid adverse effects, and otherwise remedy or mitigate adverse effects, on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and natural landscapes, and the natural character of wetlands, and lakes and rivers and their margins outside the Coastal Environment.

Policy 7 provides a specific management approach for the National Grid. 'Seek to avoid' means that the operator must make every possible effort to avoid adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes, and natural character. Policy 7 sets the policy framework for the effects of the National Grid to be assessed in a considered manner, taking into account the technical and operational constraints of the network and the route, site and method selection process. It enables a case-by-case merits assessment of specific National Grid projects, taking into account the nature of the adverse effects and the values adversely affected.

In relation to indigenous biodiversity in the coastal environment, section 9 of the WCRPS deals with that aspect, specifically Objective 9.1 and Policy 9.1:

Objective 9.1

Within the coastal environment:

a) Protect indigenous biological diversity;

b) Preserve natural character, and protect it from inappropriate subdivision, use and development; and

c) Protect natural features and natural landscapes from inappropriate subdivision, use and development.

Policy 9.1

1. Within the coastal environment protect indigenous biological diversity, and natural character, natural features and natural landscapes from inappropriate subdivision, use and development by:

a) Identifying in regional and district plans areas of significant indigenous biological diversity, outstanding and high natural character and outstanding natural features and landscapes, recognising the matters set out in Policies 11, 13 and 15 of the NZCPS;

b) Avoiding adverse effects on significant indigenous biological diversity, areas of outstanding natural character and outstanding natural landscapes and features; and

c) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on indigenous biological diversity, natural character, natural features and natural landscapes.

West Coast Regional Coastal Environment Plan

The West Coast Regional Coastal Environment Plan (WCRCP) became operative in 2000 and is currently under review. While it does consider natural landscape, natural features and natural character, the extent of the activities managed by the Regional Coastal Plan ends at Mean High Water Springs. Adverse effects of activities in the coastal marine area that occur on landward landscapes, features and natural character are managed by the Coastal Plan. Te Tai o Poutini Plan will manage activities in the area landwards of the Mean High Water Springs, so it is not affected by the provisions in the Regional Coastal Plan.

The Proposed Regional Coastal Plan (pRCP) takes a similar approach to the current WCRCP as regards the extent of area covered. However, the pRCP has accompanying technical reports mapping coastal Outstanding Natural Features and Landscapes, coastal Outstanding and High Natural Character Areas, and identifying a landward coastal environment boundary. This work was undertaken by Brown Limited in 2013 and will be further discussed in this s32 report.

6.2.5 Poutini Ngāi Tahu Iwi Management Plans

The RMA requires that when preparing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (section 74(2A)). There are three iwi management plans on the West Coast/Te Tai o Poutini – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Mahinapua Management Plan.

While these documents focus on specific issues they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values. Natural landscapes may have cultural values such as pā, kāinga, ara tawhito (traditional trails), pounamu, mahinga kai, and wāhi ingoa (place names). The traditions of Ngāi Tahu tūpuna (ancestors) are embedded in the landscape. The Lake Māhinapua Management Plan focusses on the recognition of the key natural and cultural resources provided by this lake of which Poutini Ngāi Tahu owns the bed.

6.2.6 Statutory Acknowledgements

Ngāi Tahu have settled their Treaty of Waitangi Claim with deeds of settlement signed between the Iwi and Crown in 1998, this includes statutory acknowledgements. These statutory acknowledgements are required to be included as appendices to Te Tai o Poutini Plan.

The purposes of statutory acknowledgements are:

- To require consent authorities, the Environment Court, and Heritage New Zealand to have regard to the statutory acknowledgements in its decision-making;
- To require relevant consent authorities to forward summaries of resource consent applications for activities within, adjacent to, or impacting directly on relevant statutory areas to the governance entity;
- To enable the governance entity and any member of the Iwi to cite the statutory acknowledgements as evidence of the association of the Iwi with the relevant statutory area.

The statutory acknowledgements for the particular cultural, spiritual, historical and traditional association of Poutini Ngāi Tahu include areas within the identified outstanding natural features and landscapes. For example, Poutini Ngāi Tahu iwi statutory acknowledgment areas include Aoraki/Mount Cook, Kōtuku – Whakaoho/Lake Brunner, Lake Kaniere, Lake Pāringa, Ōkarito Lagoon, Pouerua/Saltwater Lagoon, and Titea/Mount Aspiring which are all within identified Outstanding Natural Landscapes.

These statutory acknowledgements have been taken into account in the evaluation below, particularly in considering the extent to which the outstanding natural features and landscapes are valued by tangata whenua and/or have historical associations.

6.2.7 Poutini Ngāi Tahu –West Coast Regional Council Mana Whakahono ā Rohe

WCRC, Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu signed a Mana Whakahono ā Rohe in October 2020. This outlines in detail the relationship between the parties and how they will work together around resource management. There are some key sections which have guided the development of Te Tai o Poutini Plan.

Sections 3.18 – 3.23 recognise Poutini Ngāi Tahu historic heritage and cultural landscapes and practices – wāhi tupuna, wāhi tapu, urupā, Poutini Ngāi Tahu archaeological and cultural sites, kōiwi tangata and taonga (collectively Poutini Ngāi Tahu Heritage). It is identified that Poutini Ngāi Tahu Heritage is recorded within planning instruments, that there is a whakapapa relationship of Poutini Ngāi Tahu with Poutini Ngāi Tahu Heritage and that impacts on Poutini Ngāi Tahu Heritage are impacts on Poutini Ngāi Tahu. It recognises the Poutini Ngāi Tahu should participate in decisions that impact on Poutini Ngāi Tahu Heritage.

Section 3.34 identifies that Pounamu Management Areas should be given priority as areas of protection and Poutini Ngāi Tahu whānui access, including through the use of local planning instruments.

Section 3.36 identifies that aotea is given a similar level of priority to pounamu as areas of protection and Ngāti Māhaki whānui access, including through the use of local planning instruments.

Section 4 recognises the importance of Iwi Management Plans and that they shall inform the development of planning frameworks, instruments and documents, as well as decisions on individual resource consents. Acting in accordance with iwi management plans is agreed as the primary means by which a Treaty partnership approach to resource management in the region can be achieved.

6.2.8 Other Legislation

Other legislation and regulations that are relevant to Outstanding Natural Features and Landscapes have been considered in preparing the Proposed Plan. These are primarily the Conservation Act 1987, the National Parks Act 1980 and the Marine Reserves Act 1971

There are six national parks which contain land on the West Coast/Te Tai o Poutini – Kahurangi National Park, Paparoa National Park, Westland Tai Poutini National Park, Aoraki/Mt Cook National Park, Mt Aspiring National Park and Arthurs Pass National Park.

These areas are administered by DOC under the National Parks Act 1980 and the Conservation Act 1987.

- The National Parks Act 1980 aims to preserve national parks in perpetuity for their intrinsic worth and for the benefit use and enjoyment of the public. This Act sets out the principles for preserving the national parks and the functions and management of the parks. Each National Park has a Management Plan which sets out the issues, objectives and policies for the preservation, use and management of the park.
- Marine Reserves Act 1971: The Kahurangi Marine Reserve, Punakaiki Marine Reserve and Waiau Glacier Coast Marine Reserve held under the Marine Reserves Act 1971. Section 3(1) of the Marine Reserves Act 1971 states it “shall have effect for the purpose of preserving, as marine reserves for the scientific study of marine life, areas of New Zealand that contain underwater scenery, natural features, or marine life, of such distinctive quality, or so typical, or beautiful, or unique, that their continued preservation is in the national interest”. Each Marine Reserve has a Conservation Management Plan to establish objectives for the management of the marine reserve.
- Conservation Act 1987: The following documents prepared by the Department of Conservation (DOC), in accordance with the Conservation Act 1987 seek to establish objectives for the integrated management of natural and historic resources within the West Coast region:
 - West Coast Conservation Management Strategy
 - Aoraki/Mount Cook National Park Management Plan 2012
 - Arthurs Pass National Park Management Plan 1987
 - Kahurangi National Park Management Plan 2001 partially reviewed December 2010 - amended April 2017

- Mount Aspiring National Park Management Plan 2011
- Paparoa National Park Management Plan 2017 amended May 2021
- Westland Tai Poutini National Park Management Plan December 2001 and amended June 2008 and April 2014

7.0 Resource Management Issue and Analysis

7.1 Background

The operative District Plans for the West Coast/Te Tai o Poutini districts have relatively few provisions for landscape and natural features. While all three plans consider these matters in policy and assessment criteria for resource consents, the Grey District Plan is the only operative plan that specifically identifies areas of Outstanding Natural Landscape (ONL) – although landscape is a principal driver for the definition of the Paparoa Character Area in the Buller District Plan.

Because of this, when the three districts started considering reviewing their district plans, and the WCRC was commencing preparation of the proposed Regional Coastal Plan, Brown Ltd were engaged to undertake a region-wide assessment of landscape, natural features and natural character. This assessment resulted in a large number of ONLs being identified – over 1.1 million hectares of land. Where these were located in the coastal environment, they are mapped and scheduled in the proposed Regional Coastal Plan.

The Brown Ltd 2013 study formed the basis of the work used to identify ONLs in the proposed TTPP. While much of the land identified in the Brown Ltd report as an ONL is land administered by the Department of Conservation – as 84% of the West Coast/Te Tai o Poutini is their lands, 37,500 hectares of privately owned land was identified in this study as being ONL. As a consequence, and because of the age of the study, additional assessments were undertaken to update the boundaries and reflect any change that has occurred over the 9 years since the study was completed

7.2 Evidence Base – Research, Consultation, Information and Analysis undertaken

7.2.1 Research

The current District Plans have been reviewed, technical advice and assistance from various internal and external experts has been commissioned and utilised, along with internal workshops and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

Title	West Coast Landscape Assessment Terrestrial and Coastal 2013 – Schedule Terrestrial
Author	Brown Ltd
Brief Synopsis	This is the analysis matrix for each of the landscape units, their key attributes and characteristics which make the landscape unit outstanding.
Link to Document	https://tpp.nz/wp-content/uploads/2022/01/ONL-Schedule-TERRESTRIAL_text_2013.pdf

Title	West Coast Landscape Assessment Coastal and Terrestrial 2013 - Maps
Author	Brown Ltd
Brief Synopsis	These are the maps of Outstanding Natural Landscapes on the West Coast as identified by Brown Ltd, it also includes the coastal environment boundary from a landscape perspective.

Link to Document	https://tpp.nz/wp-content/uploads/2022/01/West-Coast-ONL-Maps-Terrestrial-Coastal-September-2013.pdf
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Title	West Coast Landscape Assessment Terrestrial and Coastal 2013 - Photos
Author	Brown Ltd
Brief Synopsis	These are the photos of Outstanding Natural Landscapes on the West Coast as identified by Brown Ltd.
Link to Document	https://tpp.nz/wp-content/uploads/2022/01/ONL-Schedule-TERRESTRIAL Photos 2013.pdf

Title	West Coast Landscape and Natural Character Study 2012 & 2013. Explanation of Assessment Methodologies
Author	Brown Ltd
Brief Synopsis	<p>This report outlines the methodologies used to assess the Outstanding Natural Landscapes, Natural Character and Coastal Environment boundary on the West Coast. It outlines what is considered to be an outstanding natural landscape, the caselaw around assessment methods and best practice methodologies. The report outlines the process used and criteria for evaluation of the West Coast/Te Tai o Poutini landscapes. These criteria were :</p> <p>Biophysical factors</p> <ul style="list-style-type: none"> • Landforms • Vegetation Type • Sea/Waterbodies • Natural Processes • Land Uses, Activities and Structures <p>Perceptual/Aesthetic Values</p> <ul style="list-style-type: none"> • Patterns, Composition and Spatial Structure • Vividness, Expressiveness and Legibility • Dynamic and Transient Values • Landmarks and Key Views • Coherence and Unity <p>Associative Values</p> <ul style="list-style-type: none"> • Naturalness/Endemic Value – how distinctive to NZ/West Coast Sense of Place • Tangata Whenua Values/Associations • Historical/Heritage Associations
Link to Document	https://tpp.nz/wp-content/uploads/2022/01/West-Coast-Region-ONL-Natural-Character-Assessment-Report-2021.pdf

Title	West Coast Landscape Assessment 2022
Author	Brown Ltd
Brief Synopsis	This report outlines the findings from a field study undertaken over the summer of 2021-2022 by Brown Ltd that reassessed the significance and boundaries of a significant proportion of the ONLs identified in the 2013 study. Substantial changes were identified, including the identification of one ONL that no longer met the criteria

	of being “outstanding”. Significant boundary amendments were recommended as a consequence of the study.
Link to Document	https://tppp.nz/technical-reports/

Title	New Zealand Geopreservation Inventory
Author	Geosciences Society of New Zealand
Brief Synopsis	This is a map and data portal that identifies sites of significance to geoscience and provides information and assessment of their significance.
Link to Document	http://www.geomarine.org.nz/NZGI/

Title	Te Tai o Poutini Plan Technical Update: Approach to Landscape, Outstanding Natural Features and Natural Character. Report to Te Tai o Poutini Plan Committee May 2021
Author	Lois Easton
Brief Synopsis	This report outlines the issues around landscape and natural features as relates to development of provisions for TTPP. It includes the statutory context and strategic directions in place. It outlines the current situation in the three Operative Plans. It recommends an approach for managing these issues within TTPP.
Link to Document	https://tppp.nz/wp-content/uploads/2021/05/Agenda-TTPP-Committee-25-May-2021.pdf

Title	Te Tai o Poutini Plan Technical Update : Outstanding Natural Landscapes and Features Objectives and Policies. Report to Te Tai o Poutini Plan Committee June 2021
Author	Lois Easton
Brief Synopsis	This report outlines the issues and context for outstanding natural landscapes and features and proposes draft objectives and policies for review by the Committee
Link to Document	https://tppp.nz/wp-content/uploads/2021/06/TTPP-Agenda-29-June-2021.pdf

Title	Te Tai o Poutini Plan Technical Update : Outstanding Natural Landscapes and Features Overlays Rules. Report to Te Tai o Poutini Plan Committee September 2021
Author	Lois Easton
Brief Synopsis	This report discusses draft Rules for inclusion within Te Tai o Poutini Plan around outstanding natural landscapes and features. The report also identifies the areas proposed as inclusion in the Schedules as Outstanding Natural Features – in accordance with the information provided in the NZ Geopreservation Inventory. It recommends that nationally and internationally significant geopreservation sites be included as Outstanding Natural Features within TTPP.
Link to Document	https://tppp.nz/wp-content/uploads/2021/09/Agenda-TTPP-28-September-2021.pdf

Subsequent to this report the draft chapter created for the plan was presented to the TTPP Committee on 2 December 2021. That draft chapter was endorsed by the Committee for further refinement and integration into the TTPP framework.

The draft TTPP was released for public feedback in January 2022 and there was some feedback provided on the Natural Features and Landscape Chapter. The chapter was amended following feedback as outlined in a report to the Committee on 29th April 2022.

Title	Te Tai o Poutini Plan: Outstanding Natural Landscape and Coastal Natural Character Mapping: Report to Te Tai o Poutini Plan Committee 29 April 2022
Author	Lois Easton
Brief Synopsis	This report brings the results of the review of the ONL mapping and recommends the amended maps for inclusion in the proposed TTPP.
Link to Document	https://tppp.nz/wp-content/uploads/2022/04/TTPP-Agenda-29-April-2022.pdf

A further report which looked at the properties where both an SNA and ONL was in place was provided to the Committee on 21 June 2022.

Title	Te Tai o Poutini Plan: Outstanding Natural Landscapes and Significant Natural Areas: Report to Te Tai o Poutini Plan Committee 21 June 2022
Author	Lois Easton
Brief Synopsis	Identifies and discusses implications for properties with both an SNA and ONL over them.
Link to Document	https://tppp.nz/wp-content/uploads/2022/06/TTPP-Committee-Meeting-Agenda-21-June-2022-1.pdf

Analysis of Land Area and number of properties affected by Outstanding Natural Landscapes and Outstanding Natural Features

There are 37,000ha of private land that are identified as having outstanding natural landscapes. 10,575 ha of land is identified as outstanding natural features of which 374 ha is private land within 14 privately owned properties. While there is some overlap between the two types of scheduled area – where ONF are identified on private land, because of their nature as geopreservation sites, they are usually not found within a larger ONL.

Almost all of the land that is identified as an outstanding natural landscape in the proposed Plan has indigenous vegetation covering it, and where this is located on private land, this is contiguous with public conservation land.

The issue of landscape values is much wider than just the TTPP and the Committee has noted:

1. The significance of the DOC administered lands on the West Coast/Te Tai o Poutini – with 97% of land with outstanding natural landscape values on the West Coast/Te Tai o Poutini being under management by DOC.
2. The TTPP Committee also acknowledges the role of many other groups, organisations and individuals in the maintenance and protection of landscape values and natural features generally across the West Coast/Te Tai o Poutini.

7.2.2 Consultation and Engagement

Te Tai o Poutini Plan has been the subject of significant consultation and community engagement. Within that, the outstanding natural features and landscapes provisions have been the subject of targeted consultation within the natural environment focussed consultation alongside the overall TTPP consultation and engagement process.

This commenced in 2019 with the identification of natural environment stakeholders on the West Coast/Te Tai o Poutini – local environmental groups and individuals, the NZ Forest and Bird Protection Society as well as the key agency stakeholders of the Department of Conservation, NZ Fish and Game and the West Coast/Te Tai o Poutini Conservation Board.

Numerous one on one meetings were held with these individual stakeholders during the Plan drafting, with multi-stakeholder workshops also held.

Specific meetings and workshops held were:

Plan Development Phase

February 2020, 8 April 2021 Forest and Bird

February 2020, 30 June 2021, 29 September 2021, 27 October 2021 – with a range of Department of Conservation Staff

28 July 2020 – multi-stakeholder infrastructure provider workshop

27 August 2020 – multi-stakeholder environmental interests

28 October 2020 – multi – stakeholder agricultural and forestry local interest stakeholders

Draft Plan Consultation Phase

18 February 2022 – West Coast Conservation Board

21 February 2022 - multi – stakeholder agricultural and forestry local interest stakeholders

22 February 2022 – multi-stakeholder infrastructure provider workshop

23 February 2022 – multi-stakeholder environmental interests

24 February 2022 – with a range of Department of Conservation Staff

24 February 2022 – multi-stakeholder developer and professional services interests

RMA Schedule 1 Consultation

The RMA requires councils to undertake pre-notification consultation with those parties identified in Schedule 1, clause 3, during the preparation of a proposed district plan. These parties include:

- the Minister for the Environment;
- those other Ministers of the Crown who may be affected by the proposed plan;
- local authorities who may be so affected; and
- the tangata whenua of the area who may be so affected, through iwi authorities.

As a result of this consultation, written feedback was received from Department of Conservation, Department of Internal Affairs, Te Rūnanga o Ngāi Tahu and the Ministry for the Environment.

An overview of their feedback and a summary of recommended amendments to draft provisions is contained in a report that was presented to the TTPP Committee on 21 June 2022, as per details below.

Title	First Schedule Consultation
Author	Lois Easton
Brief Synopsis	This report provides a summary of the pre-notification feedback received from RMA First Schedule consultation on the draft Proposed District Plan provisions and the subsequent amendments recommended by staff.
Link to Document	https://tppp.nz/wp-content/uploads/2022/06/TTPP-Committee-Meeting-Agenda-21-June-2022-1.pdf

7.2.3 Poutini Ngāi Tahu Advice

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāti Mahaki o Makaawhio are the two papatipu rūnanga on the West Coast/Te Tai o Poutini. They are collectively known as Poutini Ngāi Tahu. They have provided clear advice to the TTPP Committee around their expectations in relation to natural

landscape provisions in TTPP. This particularly relates to their own lands. Poutini Ngāi Tahu seek to ensure that the natural landscape (and other natural environment matters) provisions in Te Tai o Poutini Plan reflect the desire of Poutini Ngāi Tahu to exercise tino rangatiratanga on their lands.

Poutini Ngāi Tahu are specifically opposed to any identification of outstanding natural landscapes on their lands and seek that the exercise of tino rangatiratanga and kaitiakitanga of these areas be left in the hands of Poutini Ngāi Tahu.

The responsibility of kaitiakitanga is something that Poutini Ngāi Tahu take very seriously, and this is reflected in the high natural landscape values that are found in many Poutini Ngāi Tahu lands. Poutini Ngāi Tahu have and will continue to be excellent kaitiaki of these areas and the many values that they hold. Many of these lands were returned to Poutini Ngāi Tahu under the Ngāi Tahu Settlement Act and it is not acceptable to Poutini Ngāi Tahu that these should be subject to special identification and regulation as outstanding natural landscapes in Te Tai o Poutini Plan.

Poutini Ngāi Tahu seeks that Te Tai o Poutini Plan include mechanisms that allow Poutini Ngāi Tahu to exercise tino rangatiratanga across their lands. They have identified that an approach which leaves these matters to be managed through an iwi/papatipu rūnanga management plan is preferred for these areas.

7.3 Operative District Plan Provisions

7.3.1 Buller District Plan

The Buller District Plan became operative on 28 January 2000. The Buller District Plan contains one objective around the management of outstanding natural features and landscapes. Objective 4.9.3.1 is as follows:

To protect the distinctive character and unique values of outstanding landscapes and natural features.

There are 2 policies that sit under Objective 4.9.3.1:

4.9.4.1. To discourage activities which would significantly alter the character of outstanding landscapes.

4.9.4.2. Character areas shall be identified in the Plan and shall reflect the distinctive landscape elements and natural values held for each region.

At the time that the Buller District Plan was developed, an evaluation of Outstanding Natural Landscapes and Natural Features had not been undertaken. Instead, this is envisaged to be undertaken on a case-by-case basis as part of resource consents.

The Paparoa Character Area, Scenically Sensitive Commercial Zone, Scenically Sensitive Residential Zone and the Natural Environments Character Area were specifically identified as locations that did have significant landscape values and rules within these areas reflect their outstanding landscape and natural feature values with restrictions on vegetation clearance, height and design of structures. These are summarised in the table below:

Zone	Rule
	(Vegetation clearance rules are summarised in the Ecosystems and Biodiversity s32 report)
Scenically sensitive residential	<p>5.2.3.2.1 Permitted activity to erect a building or structure to a max 100m² size, or an addition of greater than 50m²</p> <p>5.2.3.4.1 Restricted Discretionary activity to erect a building or structure greater than 100m² or an addition to an existing building that adds more than 50m²</p> <p>Table 5.2 – where activities are Controlled in relation to Boundaries the position of the building in the landscape setting is a matter over which control is reserved.</p>

Scenically sensitive commercial	<p>5.2.5.2.1 Permitted activity to undertake a commercial, recreational, community activity or an accessory residential activity expect indigenous vegetation clearance or the erection of, or addition to a building or structure or sign.</p> <p>5.2.5.3.1 Restricted Discretionary activity to erect a building, structure or sign related to a permitted activity.</p>
Paparoa Character Area	<p>5.4.2 Permitted Activities include agricultural, forestry and residential activities and additions to existing buildings and structures. Vegetation clearance can only be incidental to a permitted activity and limited to 200m²/hectare. No modification to, or destruction of, an identified as a significance natural feature or landscape is allowed.</p> <p>5.4.3 Controlled Activities – erection of any new building or structure, construction or formation of any vehicle track or access and planting of exotic tree species for commercial and/or shelter belt purposes</p> <p>5.4.4 Discretionary Activities – earthworks incidental to another activity and limited to a maximum volume of 100m³</p> <p>Table 5.10A (Paparoa Character Area Standards)</p> <p>-Permitted Activity Maximum Height 7m, otherwise Discretionary to max height 10m</p> <p>-Permitted Activity Maximum Ground Floor Area 150m² and no greater than 50m² gross floor area addition to an existing building or structure. No further additions where a 50m² or greater addition has been undertaken since 15 March 1995. Total Combined Floor area of all buildings per site is 500m². Discretionary to max gross ground floor area of a single building of 300m²</p> <p>No activity to be carried out within 50m of the Mean High Water Springs Mark.</p>
National Environments Character Area	<p>5.5.3 Controlled Activity to erect a building or for an addition to any building or structure, construction of any vehicle track or accessway</p> <p>5.5.4 Discretionary Activity Earthworks</p> <p>Table 5.11 Natural Environments Character Area Standards</p> <p>Permitted Activities – maximum building height 6m, Discretionary 8m</p> <p>Permitted Activities – maximum gross ground floor area 50m² and no addition greater than 20m², Discretionary max gross ground floor area 100m² and no addition greater than 50m².</p> <p>Permitted Activities No additions of any size to an existing building or structure where a 20m² or greater addition has been undertaken since 15 March 1995. Total floor area of all buildings on site 100m²</p> <p>No activity to be carried out within 100m of the Mean High Water Springs Mark</p> <p>Discretionary Activities No additions of any size to an existing building or structure where a 50m² or greater addition to the gross floor area has already been undertaken since 15 March 1995.</p>
Rural	

The Buller District Council released Plan Change 141 in 2016 as part of a package of plan changes relating to the rolling review of the Buller District Plan. This Plan Change was not progressed beyond the notification stage, as by that time it was clear that the district plans on the West Coast/Te Tai o Poutini were going to be combined as a result of recommendations from the Local Government Commission. The plan change proposed to replace the Objective and two policies with one Objective and two policies as follow:

Objective 6: Protection of Outstanding Natural Features and Landscapes

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

Policy 10: Criteria for Determining Outstanding Natural Features and Landscapes

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 biophysical, sensory and associative values including:

- *natural science values*
- *legibility values*
- *aesthetic values*
- *transient values*
- *cultural values*
- *shared and recognised values; and*
- *historic values*

Policy 11: Criteria for Determining Appropriate Subdivision, Use or Development

To manage the scale, location and design of subdivision, use and development within Outstanding Natural Features and Landscapes and determine its appropriateness based on the following:

- a. the value, importance or significance of the feature or landscape at the local, regional or national level;*
- b. the degree and significance of actual or potential adverse effects on outstanding natural features and landscapes, including cumulative effects, and the efficacy of measures to avoid, remedy or mitigate such effects;*
- c. the benefits to be derived from the use and development at the local, regional and national scale;*
- d. The degree of existing modification of the natural feature or landscape from its natural character*
- e. The vulnerability of a natural feature or landscape to change, and its capacity to accommodate change, without compromising the value of the feature or landscape;*
- f. The need for the proposed activity to occur in the particular location.*

7.3.2 Grey District Plan

The proposed Grey District Plan was publicly notified in December 1999. The plan contains one objective, two policies and methods for the recognition and protection of ONLs, as well as the identification (unmapped) of some ONLs, but there are no rules associated with ONLs. Objective 4.3.1 is as follows:

The protection of outstanding natural features and landscapes in the Grey District from inappropriate subdivision, use and development.

The policies are:

4.4.1 To recognise areas of outstanding natural features and landscapes in accordance with the criteria listed below:

- a. *Naturalness (Intactness)- The landscape is natural, open and spacious and is largely unmodified by human activity or development (relative to other landscapes).*
- b. *Coherence - The area is complete and in intact as an integrated unit thereby producing a high visual coherence or pleasantness.*
- c. *Distinctiveness - The area has one or more of the following*
 - i. *outstanding size, shape, diversity or pattern of natural features or landforms*
 - ii. *outstanding area of predominantly indigenous vegetation*
 - iii. *outstanding or popular accessible viewpoints/key views*
- d. *Sensitivity - the area is high in visual sensitivity to change*
- e. *Visiblensess - The area is visible from public places such as roads, tourist routes etc.*
- f. *Scientific, Historic or Cultural value - The area is of significant scientific (e.g. geopreservation site), historic or cultural value.*

4.4.2 Proposed subdivision, use and development should be undertaken in accordance with Objective 4.3, and in a manner that avoids, remedies, or mitigates adverse effects on outstanding natural features and landscapes identified in Table 4.1 or outstanding natural features and landscapes that through a resource consent process are determined by Council to exist within the areas identified in Table 4.2 having regard to the criteria in Policy 4.4.1(a) – (f).

The following Outstanding Natural Landscapes are identified in Table 4.1 of the Plan

- *Bush clad hills behind Greymouth and Cobden from Jamieson Road to Point Elizabeth.*
- *Coastal area from Nine Mile Creek to Seventeen Mile Bluff between the sea and 200m east of SH 6.*
- *Kiwi Point – Grey Valley generally described as the cliffs on the true north bank of the Grey River from opposite Kiwi Overbridge to Taylorville and the historic Brunner Mine site on both banks of the Grey River.*
- *Coastal area from Paroa to New River between the Coast and SH 6.*
- *Lake Brunner including adjoining land up to 150m from the boundary of the lake edge road reserve excluding Moana township and urban zoned land at Iveagh Bay.*
- *The west facing slopes of the Barrytown hills behind the flats between Razorback Point and Seventeen Mile Flat to the east of SH 6.*
- *Area on the flats to the south of the Punakaiki River upstream of the SH 6 Bridge.*
- *Area North of Waiwhero Road to Razorback Point between the coast and SH 6.*

There are no specific rules that apply in the identified ONLs, however where resource consent is required for other reasons, the impacts on ONLs is considered as part of the assessment process.

7.3.3 Westland District Plan

The Westland District Plan became operative on 1 June 2002. The Westland District Plan contains three objectives around the management of landscape as follow:

3.10.1 To ensure development does not impinge on the integrity of landscapes in Westland

3.10.2 To maintain and protect the existing scenic and open and diverse character of Westland District, dominated by natural dynamic processes

3.10.3 To ensure that land uses, buildings and development have regard to the natural landscapes in which they are located or seek to be located

Alongside these objectives there are five relevant policies.

4.3.A Urban development should be located in areas of low natural landscape value, low natural hazard risk and areas that do not have high public servicing costs.

4.3.D Any expansion of settlements beyond the current policy unit zone boundaries shall take into account the significant landscape and visual qualities of that area.

4.8.A The continuity of the mountains to sea landscape in Westland particularly in the south of the District and significant landscape elements shall be protected by ensuring development takes into account the landscape setting.

4.8.B The contribution of indigenous vegetation to the landscape character of the district shall be recognised and its clearance controlled.

4.8.C Council will protect significant landscape areas, including natural features, in the District. All significant landscape areas shall meet the following criteria: - intactness; scientific or other cultural value; distinctiveness; representativeness; protected status; buffering; visual sensitivity; visual coherence

The Westland District Plan does not identify specific ONLs. There are some considerations of landscape matters in related rules – where resource consent is required impacts on significant landscape and natural features is considered as an assessment criterion. Some zones such as those at Franz Josef and in the Settlement/Rural Policy units all include standards to address landscape as outlined in the table below.

Zone	Rule (Refer Ecosystems and Biodiversity s32 for vegetation clearance provisions)
Coastal Settlement Zone	Table 5.6 Permitted and Discretionary Activity Standards Gross Ground Floor Area Permitted Max 250m ² /site, Discretionary max 350m ² /site Height Permitted max 3m (accessory buildings) 7m (all other buildings). Discretionary – max 3m (accessory buildings) 7m (all other buildings).
Tourist Zone	Table 5.4 for Permitted Activities Height 4m (accessory buildings) 10m (other buildings) Table 5.5 for Discretionary Activities Height 5m (accessory buildings) 12m (other buildings) <u>Franz Alpine Resort, Stony Creek</u> Table 5.4 A Standards for Permitted Activities <ul style="list-style-type: none"> • No buildings to be sited within 50m of the SH6 boundary on the frontage between Stony Creek and the western boundary of the zone. Indigenous bush to be retained to the extent that no more than 25% of the buildings behind are visible from the state highway • Building Roof Pitch between 8° and 35° • Roof colour – recessive colours in grey/greens or neutral colours • Building materials – buildings shall be clad in wood, plaster, stone and/or profile metal sidings • Accessory buildings – should be in the style, appearance and materials of the principal building Any activity not meeting the Permitted Activity standards is a Discretionary Activity Design Guidelines are also included.
Tourist Residential Zone	Table 5.4 for Permitted Activities Height 3.5m (accessory buildings) 7m (other buildings) Table 5.5 for Discretionary Activities Height 5m (accessory buildings) 12m (other buildings)

	<p><u>Franz Alpine Resort, Stony Creek</u></p> <p>Table 5.4 A Standards for Permitted Activities</p> <ul style="list-style-type: none"> • No buildings to be sited within 50m of the SH6 boundary on the frontage between Stony Creek and the western boundary of the zone. Indigenous bush to be retained to the extent that no more than 25% of the buildings behind are visible from the state highway • Building Roof Pitch between 8° and 35° • Roof colour – recessive colours in grey/greens or neutral colours • Building materials – buildings shall be clad in wood, plaster, stone and/or profile metal sidings • Accessory buildings – should be in the style, appearance and materials of the principal building <p>Any activity not meeting the Permitted Activity standards is a Discretionary Activity.</p> <p>Design Guidelines are also included.</p>
Rural Zone	A specific provision that any forestry planting above 1000m is a Non-complying activity.

7.3.4 Analysis of combined operative district plan approaches

All three of the current District Plans were prepared on the basis that further work and identification of ONLs would occur. The three District Councils recognised that the Operative Plans did not sufficiently address landscape matters and that there was a need to identify ONLs. The 2009 Issues and Options paper for the Westland District Plan review identified the need to define significant landscapes within the District. In 2013 the three District Councils commissioned Brown Ltd to undertake a landscape assessment for this purpose in 2013. The Plan Change 141 to the Buller District Plan specifically identifies the criteria for the identification of ONLs.

During the life of the Operative Plans, there has been a deterioration of landscape quality in some areas that have previously been identified as outstanding. This is most evident in Grey District which has taken a largely non-regulatory approach to landscape protection. The ONL "Bush Clad Hills behind Greymouth" identified in the Operative Grey District Plan, and again as an ONL in the 2013 landscape study has now been assessed in the 2022 Brown Ltd study as no longer being Outstanding. Similarly some of the area identified as Paparoa Character Area in the Operative Buller Plan, due to its outstanding landscape and natural character qualities, is no longer identified as outstanding within the Brown Ltd 2022 study.

In both cases this degradation of landscape quality has arisen through a combination of vegetation clearance and building development which is visually obtrusive.

There are also differences in the extent of identified ONLs between the 2013 and 2022 Brown Ltd landscape assessments. While some of these differences can be attributed to issues with mapping (and the much lower quality aerial photography available for the 2013 study) there have also been areas of vegetation clearance, earthworks and mining activity which have degraded the values of previously identified ONLs.

In conclusion it can be stated that the Operative Plans have only been partially effective at managing the effects of activities on ONLs – and that the lack of identification and mapping, with specific provisions is a significant contributor to this. The Operative Plans also do not give effect to the requirement of the WCRPS to use regionally consistent criteria and identify ONLs across the West Coast/Te Tai o Poutini.

7.4 Analysis of Best Practice – How Other Councils are Addressing the Same Issue

A review of how other Councils have managed these issues has been undertaken – with an emphasis on recent plans. The following District Plans were reviewed

- Porirua District Plan (2nd generation, proposed)
- New Plymouth District Plan (2nd generation, proposed)
- Selwyn District Plan (2nd generation, proposed)
- Far North District Plan (2nd generation, draft)
- Timaru District Plan (2nd generation, draft)
- Tasman District Plan (2nd generation, operative)
- Queenstown Lakes District Plan (2nd generation, under appeal)
- Mackenzie District Plan Landscape Provisions (2nd generation, appeals settlement 2017)
- Marlborough District Plan (2nd generation, under appeal)

Key points which this review identified are that:

- ONLs and ONFs are included in nearly all modern plans
- Some Districts such as Queenstown Lakes and Mackenzie have nearly their whole districts located within areas of Outstanding Landscape and have developed very detailed provisions to enable development to still occur – this includes things such as design standards, colour and material controls. Both the Queenstown Lakes and Mackenzie Landscape provisions have been the subject of extensive Environment Court litigation – this may also have been a substantial factor in the detail of their provisions.
- Districts such as Southland, Tasman and Marlborough also have extensive areas of outstanding natural landscapes but the nature of the landscape (bushy rather than open) may assist with mitigating visual impacts of development. They have lesser reliance on very detailed policy provisions.

In general, the level of protection provided in district plans for ONLs and ONFs has increased in second generation plans. This is primarily driven by changing responses to section 6, evolving planning approaches and case law directing the need for section 6 matters to be dealt with strongly in district plans and to use clear, directive language.

The objectives and policies within all of the plans reviewed have a high level of similarity and alignment with the requirements of the Act and their relevant RPS.

Generally, the intent of all plans is to identify areas of outstanding natural landscape value and to document the values/characteristics/qualities of these identified areas. Following identification, all of the plans reviewed seek to ensure protection of values from inappropriate activities.

The approach to the identification of landscape areas varies, with some plans taking a simpler approach and only identifying ONLs, whilst others have layers of complexity and identify additional areas e.g. rural amenity areas or significant landscapes.

Most of the plans provide for a low level of change and small-scale activities as permitted activities. This is generally restricted to small scale buildings and to some low-level maintenance type activities e.g. maintenance and upkeep of existing tracks.

However, there is considerable overlap in the approaches to activities in the plans reviewed with the same activity having different activity status across plans e.g. earthworks as a restricted discretionary, discretionary and non-complying activity. This variation could reflect that each area has identified different values and threats to be managed differently or that different local priorities are being expressed. It also clearly shows that there is no consistent approach to similar issues.

Some of the plans reviewed are very complex and this makes interpretation and application more difficult, especially for landowners who are unlikely to be familiar with district plan terminology and layout. The more simplistic plan approaches are considered to be more understandable for a wider audience e.g. a specific section or chapter dealing with landscape issues holistically.

It is clear that a number of the plans reviewed have specifically tailored the list of activities and the activity status to the values identified for the landscape areas. This tailored approach clearly links the values (and threats) to the level of protection within the rules. Such an approach will mean that each plan is different from others, to provide a local and specific approach to the issues involved. In this way, there is less emphasis on consistency with other plans and more emphasis on adequate consideration of what is appropriate or inappropriate in each district and this is necessary to give effect to the RPS in the context of the particular district.

7.5 Summary of Issues Analysis

The analysis of the issues has identified that:

- The current landscape identification and provisions do not reflect a comprehensive approach or necessarily align with the expectations of the WCRPS (mainly due to the WCRPS being reviewed and new provisions adopted after the three District Plans were made operative). It also is not aligned with more recent planning approaches to the identification of landscapes using established criteria, and identification of values. As such, a comprehensive landscape assessment has been undertaken to identify ONL areas using the criteria in the WCRPS and in accordance with best practice. Similarly the Geopreservation Inventory has been utilised to identify ONFs in accordance with best practice.
- The proposed plan should map all ONL/ONFs and identify in an appendix the values of each ONL/F area.
- The current methods do not sufficiently target the types of activities that can impact on landscape values, and in many instances rules are too permissive to protect the values of these landscape areas.

In summary, the approach to landscape and natural features is one of the areas where most substantial change is needed between the Operative Plans and TTPP.

8.0 Scale and Significance Evaluation

The level of detail undertaken for the evaluation of the Proposed TTPP provisions has been determined by an assessment of the scale and significance of the implementation of these provisions. The scale and significance assessment considers the environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following, namely whether the provisions:

	Minor	Low	Medium	High
Degree of change from the Operative Plans				x
Effects on matters of national importance (s6 RMA)				x
Scale of effects – geographically (local, district wide, regional, national)				x
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)				x
Scale of effects on those with particular interests, e.g. Tangata Whenua			x	
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects				x

addressed by other standards/commonly accepted best practice?				
Likelihood of increased costs or restrictions on individuals, businesses or communities			x	

8.1 Explanation Summary

The level of detail of analysis in this report is high.

Areas of outstanding natural landscape are widespread throughout the West Coast/Te Tai o Poutini and are highly valued by the community – creating the Region's iconic scenery as well as for opportunities for recreational activities, mahinga kai gathering or ecological values. The protection of natural landscape and natural feature values is identified as a matter of national importance to the country.

However, it is acknowledged that significant land within these areas is privately owned or leased, and that activities such as mining and residential development occur within these landscapes. There are also substantial pieces of critical infrastructure located within ONLs. For example the main Coast Road through the Paparoa Range and extensive roading networks within South Westland. There are also substantial telecommunications and electricity networks, including renewable electricity generation within ONLs. While the identified areas are largely vegetated, there are some areas which are also actively farmed. Activities such as mineral extraction, infrastructure upgrading and built development within these areas can adversely impact on the landscape and scientific values and generally need to be limited in nature and extent to protect the identified values, meaning that resource consents are required for a broader range of activities than in other rural areas, with subsequent costs. In addition, consenting information requirements can impose additional costs on applicants as specialist landscape assessments are often required. However, the cost to the environment of not appropriately managing activities that impact on landscape values has the potential to be very high and this is recognised as a matter of national importance under the Resource Management Act.

9.0 Evaluation

9.1 Evaluation of Objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

Existing Objectives	Appropriateness to Achieve the Purpose of the Act
<p>Buller District Plan Objective (Plan Change 141):</p> <p>4.9.3.1 To enable appropriate subdivision, use and development where the adverse effects on areas of Outstanding Natural Features and Landscapes are avoided or mitigated.</p>	<p>Retaining separate objectives for the three districts is not considered appropriate.</p> <p>These objectives have been amalgamated into one objective for all three districts that is consistent with the views of TTPP Committee and statutory and policy context.</p>
<p>Grey District Plan Objective:</p> <p>4.3.1 The protection of outstanding natural features and landscapes in the</p>	<p>The current objectives are not considered the most appropriate in addressing the landscape and natural features issues identified and in achieving the purpose</p>

Grey District from inappropriate subdivision, use and development.	of the RMA. A new objective is proposed as detailed below.
<p>Westland District Plan Objectives:</p> <p>3.10.1 To ensure development does not impinge on the integrity of landscapes in Westland</p> <p>3.10.2 To maintain and protect the existing scenic and open and diverse character of Westland District, dominated by natural dynamic processes</p> <p>3.10.3 To ensure that land uses, buildings and development have regard to the natural landscapes in which they are located or seek to be located</p>	
<p>Proposed TTPP Objective:</p> <p>Landscapes and Natural Features Chapter</p> <p>NFL – 01 To protect the values of outstanding natural landscapes and outstanding natural features on the West Coast/Te Tai o Poutini, while providing for subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced.</p>	<p>The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development and protection of these resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.</p> <p>Under Section 6 of the RMA, as a matter of national importance TTPP must recognise and provide for (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development,</p> <p>In addition, under Section 7 of the RMA, the Council must have particular regard to kaitiakitanga, the maintenance and enhancement of amenity values, intrinsic values of ecosystems, maintenance and enhancement of the quality of the environment, and any finite characteristics of natural and physical resources.</p> <p>The objective directly relates to the identified resource management issues for Landscape and Natural Features, the purpose of the RMA, and provide certainty to Plan users of the outcomes that are appropriate and expected under the TTPP framework. This objective is aligned with best-practice and considered reasonable and achievable.</p>

Evaluation of Alternative Option	Appropriateness to Achieve the Purpose of the Act
Do not define expectations for landscape and natural features in TTPP. Rely on WCRPS provisions to set direction.	This option would hinder decision makers when assessing resource consent applications as they would have little guidance on what outcomes are expected. It would also fail to properly recognise and provide for the protection of outstanding natural features and landscapes, and protect these from inappropriate subdivision, use and development. It would also not recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands and taonga.
Summary	

The proposed objective will achieve the purpose of the RMA as it is a clear statement of intent that outstanding natural features and landscapes will be identified and protected. It provides certainty as to the outcomes that are appropriate under the TTPP provisions and are aligned with best practice throughout New Zealand.

9.2 Evaluation of Policies and Rules in relation to Natural Features and Landscapes

9.2.1 Description of the Proposed Provisions

Identified Outstanding Natural Landscapes and Outstanding Natural Features

ONLs were identified based on landscape assessment undertaken by Brown Ltd in 2013 and updated in 2022.

They were assessed using the following process:

Stage:	Process:
1.	Field Work – Mapping of ‘Sufficiently Natural’ Areas: Use of field work and aerial imagery to map all areas that might be considered ‘sufficiently natural’ to qualify as ONL candidates
2.	Draft Mapping of ‘Natural Landscapes’: Use of field work and aerial imagery to map the candidate landscapes based on their: <ul style="list-style-type: none"> • Landforms • Vegetation Cover • Land Uses & Activities • Interaction with the sea / lakes /rivers / wetlands
3.	Evaluation of Each – Round 1: Detailed evaluation of each candidate landscape ‘on the ground’ employing the criteria set out overleaf
4.	Evaluation of Each – Round 2: Comparative evaluation of each candidate landscape as a whole, addressing them in terms of the ‘sum of their parts’ – the overall character, identity & spectacle associated with each landscape
5.	Overall Evaluation of Each Landscape: Assessment of each candidate landscape ‘in the round’ – both in terms of the assessment criteria set out overleaf and ‘as a

	whole' – to determine if each was sufficiently conspicuous, eminent and 'outstanding' to qualify as a draft ONLs
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6.	Review & Refinement Review of the draft ONLs in response to feedback from the Regional and District Councils leading to the refinement & deletion of some draft ONLs
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The criteria employed to assess each candidate ONL were as set out below, using evaluation of the *Malcolm, McKenzie & Hope River Ranges ONL* as an example (Unit 1A):

Malcolm, McKenzie, & Hope Blue River Ranges

Unit No: 1A (forms the coastal area of ONL 1)

Bio Physical Landscape Characteristics				
Evaluation Factors:	Key Values: (Indication of key Bio-Physical values)			
Landforms (Geomorphology / Geology / Terrain)	<div></div>			
Vegetation Type (s)	<div></div>			
Sea / Water Bodies	<div></div>			
Natural Processes	<div></div>			
Land Uses / Activities / Structure	<div></div>			
Rating of Biophysical Values:	<div></div>	<div></div>	<div></div>	<div></div>

High Low

Perceptual / Aesthetic Values				
Evaluation Factors:	Key Values: (Indication of key Perceptual values)			
2D Patterns (Composition) & 3D Spatial Structure	<div></div>			
Vividness / Expressiveness / Legibility	<div></div>			
Dynamic / Transient Values	<div></div>			
Landmarks / Key Views	<div></div>			
Coherence / Unity	<div></div>			
Rating of Perceptual / Aesthetics Values:	<div></div>	<div></div>	<div></div>	<div></div>

Low
High

Associative Values	
Evaluation Factors:	Key Values:

	(Indication of key Perceptual values)
Naturalness / Endemic Value (distinctive NZ / West Coast Sense of Place)	<div></div>
Tangata Whenua Values / Associations	<div></div>
Historical / Heritage Associations	<div></div>
Rating of Perceptual / Aesthetics Values:	<div> <div></div> <div></div> <div></div> <div></div> <div></div> </div> <div>Low H</div>

ONFL THRESHOLDS: (Overall Evaluation of Landscape Values in the context of the West Coast Region)	<div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> </div> <div>OUTSTANDING</div>
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The assessment criteria set out above were aligned with pre-2012 Environment Court decisions, the NZILA Practice Note 10.1 and Lincoln University's research into public perception of Westland and other NZ landscapes. In addition, each Evaluation Sheet included a brief summary of the Key Attributes and Characteristics that contributed to the ONL status of individual landscapes. The following example is again drawn from the *Malcolm, McKenzie & Hope River Ranges ONL* example:

"Series of remote low elevation coastal foothills and valleys that are heavily dissected with high relief. Sequence of steep coastal slopes, cliffs and headlands (Awarua Point, Bonar Knob) with a series of rocky shoals, outcrops, and broad sandy beaches. Forms the coastal edge to the Malcolm and McKenzie Range.

- *Unmodified and continuous mature coastal and lowland forest together with the dramatic terrain imparts a strong sense of naturalness.*
- *Dramatic interaction of the landscape with the Tasman Sea with its continuous vegetation cover providing a consistent patterning to this exposed landscape.*
- *Extremely limited modification / human activities.*
- *The highly distinctive and glacial shorn profile of Awarua Point is a key landmark within this landscape."*

Each ONL is described in Schedule Five of the Plan and identified as an ONL on the planning maps.

The ONFs were identified based on the work done by the New Zealand Geopreservation Society that identified, mapped and evaluated geopreservation sites. Those of National and International significance were included in the ONF Schedule Six and mapped on the planning maps.

Policies

There are seven policies for landscape and natural features. These policies address the following matters:

- i. Activities that are appropriate in ONLs and ONFs
- ii. Management of adverse effects in ONLs and ONFs
- iii. Recognising existing development within ONLS and ONFs
- iv. Mitigation of adverse effects from buildings and structures
- v. Matters to be considered when assessing proposals for land use and subdivision
- vi. Use of Māori Purpose Zoned lands in ONLs and ONFs
- vii. Incorporation of Mātauranga Māori within landscapes

Rules

The rules for natural features and landscapes focus on buildings, structures, earthworks and plantation forestry. Rules for vegetation clearance are contained in the Ecosystems and Biodiversity chapter.

Permitted Activities for buildings, structures and earthworks within ONLs and ONFs are provided for in the following circumstances:

- To enable maintenance and repair of lawfully established buildings, structures and facilities
- For conservation activities
- For natural hazard mitigation activities to protect critical infrastructure within ONLS
- Demolition and removal of structures
- Minor additions and alterations to existing buildings to a maximum height of 5m
- Māori Purpose Activities within the Māori Purpose Zone
- Poutini Ngāi Tahu Activities in all areas of ONLs and ONFs
- Earthworks ancillary to a Permitted Activity
- Small scale earthworks with a maximum of 500m³/12month period/site and a maximum 1m cut/fill
- Construction of small-scale buildings and structures including for renewable energy generation to 5m height and for agricultural, pastoral and horticultural activities to 3m height and maximum 100m² ground floor area.

Controlled Activities are:

- Natural hazard mitigation activities to protect critical infrastructure within an ONF
- Earthworks within an ONL or ONF for specified activities such as track, road and infrastructure construction, establishing a building platform where there is none on the current site where Permitted Standards are not met

Restricted Discretionary Activities are:

- Māori Purpose Activities not meeting Permitted standards
- Extensions to existing buildings
- New residential dwellings where there is no existing residential building on the property
- Buildings for infrastructure, farming, conservation or recreation activities

Discretionary Activities are:

- Afforestation with Plantation Forestry
- New Buildings, Earthworks and Natural Hazard Activities not meeting Permitted, Controlled or Restricted Discretionary Activity rules.

Outstanding Natural Landscapes and Features in the Coastal Environment

Within the coastal environment, activities within areas of outstanding natural landscapes and features are much more restricted. This is discussed further in the part of this report that deals specifically with the Coastal Environment.

9.2.2 Evaluation of Options around Natural Features and Landscapes

Option	Benefits	Costs	Efficiency and Effectiveness	Risk of acting/not acting
<p>Option A: status quo</p> <p>Buller: Two policies from Plan Change 141 enabling appropriate development and providing criteria for determining outstanding natural features and landscapes. Different rules in different zones controlling aspects that impact on landscape values of some areas of outstanding natural landscape value.</p> <p>Grey District: Two policies – one identifying criteria for ONLs and the other outlining appropriate development approaches and a table identifying some of the ONLs within the district. Consideration of landscape matters as an assessment matter where resource consent is required for other rules in the Plan.</p> <p>Westland District: Five policies protecting landscape values and locating development outside of valued landscapes</p> <p>Different rules in different zones controlling visual</p>	<ul style="list-style-type: none"> Rules are known and have been operating for the last 20 years. 	<ul style="list-style-type: none"> The current approach does not meet the requirements of the WCRPS. No provisions for Poutini Ngāi Tahu uses and generally the provisions do not reflect the principles of Te Tiriti. ONLs within the Grey District would continue to be impacted as no rules are in place protecting their landscape values. No mapping in place identifying ONLs/ONFs – making it hard to assess the effects of activities on them. 	<ul style="list-style-type: none"> The current approach has not been effective at protecting landscape values. Identified degradation of landscape values of ONLs within the Buller and Grey Districts. WCRPS requires identification of ONLs and ONFs in accordance with regionally consistent criteria. Maintaining three sets of approaches is inconsistent with the efficiencies sought from the creation of a combined district plan. 	<ul style="list-style-type: none"> The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal. It is considered that there is certain and sufficient information about the provisions in this approach because they have been in place since the Operative District Plans came into effect in the early 2000s. <p>The risk of acting on these status quo provisions is that:</p> <ul style="list-style-type: none"> The current policy framework lacks detail and specific direction on appropriate or inappropriate activities The current policy framework does not recognise the requirements of the WCRPS or what is regarded as good practice in modern planning.

impacts of building. Landscape as a matter assessed when resource consent is required due to other rules.				<ul style="list-style-type: none"> Risks of acting in accordance with this approach includes further degradation of landscape values.
<p>Option B: Proposed Plan:</p> <p>Mapping and scheduling of ONLs and ONFs across the three districts.</p> <p>Management of buildings, structures and earthworks through Rules which mean that only minor activities with minor effects are Permitted, otherwise resource consent and landscape assessment are required.</p>	<ul style="list-style-type: none"> This approach meets the requirements of the WCRPS to identify ONLs and ONFs in accordance with regionally consistent criteria. Objectives, policies and assessment criteria are updated and reflect the requirements of the WCRPS Clear matters of discretion that will assist decision makers when assessing resource consent applications. Will also assist in maintaining amenity values. Permitted Activity rules provide a clear basis for day-to-day maintenance and operational activities to occur without the need for resource consents. Poutini Ngāi Tahu enabled to undertake cultural uses and to develop their land in accordance with tikanga 	<ul style="list-style-type: none"> Administrative costs to council for staff processing and enforcement activity. Restrictions on landowner's ability to use their land. Cost to landowners for resource consents 	<ul style="list-style-type: none"> The proposed provisions are a more effective and efficient option than the status quo as they provide clear identification of ONLs and ONFs and regulation of activities that could affect their values while also providing for ongoing maintenance activities without the need for resource consents. WCRPS requires identification of ONLs in accordance with regionally consistent criteria. A detailed landscape assessment has been undertaken, and reviewed in 2022 providing confidence in the identification of ONLs. All ONFs identified are of national or international significance and been carefully assessed by geo-preservation experts. Having one approach is consistent with the efficiencies sought from the creation of a combined district plan 	<ul style="list-style-type: none"> The TTPP Committee has sufficient information to determine the effect of the provisions. Within the Buller and Westland Districts there is experience with rules regulating building form and size within sensitive landscapes. The provisions being proposed have been applied widely in ONLs and ONFs across New Zealand and are understood to be effective. The proposed approach is consistent with the WCRPS.

<p>Option C: ONLS and ONFs mapped in the Plan, but methods outside of TTPP used</p> <ul style="list-style-type: none"> - Rely on non-regulatory methods. - Rely on private landowners to manage and protect landscape and natural features 	<ul style="list-style-type: none"> • Increased economic and development opportunities and flexibility for landowners as they are not subject to regulatory restrictions to protect landscape and natural features. • The Councils will not have to administer resource consent applications for activities within ONLs and ONFs 	<ul style="list-style-type: none"> • No regulatory controls increase uncertainty as the onus is on private landowners to protect landscape and natural features for the public good, with economic implications for landowners. • Loss of the important values of natural features and landscapes, and their contribution to community identity, sense of place, amenity values and quality of the environment. 	<ul style="list-style-type: none"> • No rules would enable inappropriate activities, subdivision and development which could lead to the detriment or loss of the ONLS/ONFs, without any constraints. This approach has no certainty and has the potential to result in significant adverse effects. No rules or standards in the TTPP is not considered effective to achieve the objectives or the requirements of the RMA, particularly Sections 6(b) and 7. • WCRPS requires protection of ONLs and ONFs 	<ul style="list-style-type: none"> • The risk of acting on the non-regulatory approach means that TTPP Committee may not be carrying out its duty/requirements under the RMA and it is likely to result in adverse effects on landscapes and natural features • It is considered that there is sufficient information to determine that Option C on its own is not appropriate (i.e. there is sufficient information so a low risk of acting).
<p>Quantification</p> <p>Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p> <p>The opportunity costs of protection of landscape and natural features on general land are most likely to arise from limitations on the subdivision, use and development on such properties, rather than precluding subdivision, use and development altogether. Most limitations are likely to be dealt with by general landowners with modifications and adaptations to the next best outcome. On that basis, the consequence of landscape protection for most activities is estimated to be low. Examples of opportunity costs on general land could include:</p> <ul style="list-style-type: none"> • Less potential to subdivide if avoiding areas of ONL would preclude a building site; • The need to shift a proposed building site, access track, driveway, or road to avoid landscape impacts; • The need to develop available land more intensively if the ability to spread activities (such as a house design or commercial building) would have required activities occurring in areas of natural features and landscape value; and • An inability to develop land for pasture if that land is subject to landscape protection. <p>There are also opportunity costs for businesses operating mining or extractive activities. Every site is unique, and this makes it difficult to quantify or monetise effects on this industry with any certainty. In terms of potential opportunity costs on nationally significant infrastructure, opportunity costs may take the form of needing to relocate planned infrastructure to avoid ONLs/ONFs (if in fact there are alternatives) or considering alternate methods of development such as</p>				

undergrounding pipes or cables. Because of the significant capital costs of national infrastructure, any modifications or adaptations (outside the preferred location, route or method) will potentially result in significant costs in dollar terms (but not necessarily significant in % terms relative to total costs).

Summary:

In order to meet the requirements of the WCRPS and the RMA the most appropriate option is Option B: Proposed Plan.

The proposed provisions are considered to be the most effective means of achieving the objective(s) at this time as together they will:

- give effect to the WCRPS
- enable the councils to meet s6 requirements of the RMA
- ensure that adverse effects of activities on natural features and landscape are managed appropriately
- enable the councils to effectively administer TTPP and to monitor the outcomes of the proposed provisions in a clear and consistent manner.

10.0 Summary

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option:

- The objectives and policies provide direction and certainty to plan users on the outcomes expected for natural features and landscapes.
- The inclusion of a schedule and maps of the ONLs and ONFs on the West Coast/Te Tai o Poutini
- Permitted activity rules in respect to buildings, structures and earthworks which allow for maintenance and repair to existing structures and infrastructure.
- Activities that may generate adverse effects, reduce the quality of the environment and harm the values of landscapes and natural features are appropriately managed through the resource consent process.
- Other methods outside TTPP that are effective in practice to achieve the proposed objectives will continue to be used alongside the regulatory approach.

Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.

Part Three: The Coastal Environment - Te Taiao o te Takutai

11.0 Overview and Purpose

This s32 evaluation report should be read in conjunction with the s32 'Overview Report', which also includes an overview of the s32 legislative requirements, the methodology and approach to the s32 evaluations and the process that the TTPP Committee has undertaken to date through the development of Te Tai o Poutini Plan, including consultation and engagement.

The coastal environment is a defining component of the West Coast/Te Tai o Poutini providing places to live, locations of primary production, recreation and tourism. It is of critical importance to Poutini Ngāi Tahu as a location of past and present occupation, mahinga kai and strong cultural connection. Many parts of the coastal environment on the West Coast/Te Tai o Poutini are unmodified with intact ecosystems, landforms and landscapes.

This report sets out the statutory and policy context, the key resource management issues, specific consultation and approach to evaluation on this topic to decide on the proposed provisions. The report also includes a review of the existing plan provisions and an evaluation of alternative methods to achieve the purpose of the Resource Management Act (RMA) in relation to the Coastal Environment topic.

11.1 Introduction to the Resource Management Issue

The West Coast/Te Tai o Poutini coastal environment is defined by a long, open coast of mixed sand and gravel beaches that extend from Kahurangi Point in the north of Buller District to Awarua Point in the south of Westland District.

The terrestrial component of the coastal environment is the area of land extending from the mean high-water springs mark (MHWS) to the mapped inland extent of the coastal environment boundary. In many locations the coastal environment is extensive – in some locations the areas of coastal influence can extend for kilometres inland, particularly around major coastal dune systems and wetlands, such as those found around the Okarito Lagoon, Waitaha and Okuru (see Figure 1).



Figure 1 Extent of the Coastal Environment in Locations Where it Extends Inland to Incorporate Coastal Lagoons and Features

The West Coast/Te Tai o Poutini is also renowned for its major coastal ranges, some of which fall directly into the Tasman Sea. This includes those found around Jackson Bay, Whakapohai – Paringa, Punakaiki and north of Mokihinui, all have a clear connection with the Coastal Marine Area (CMA) and their coastal slopes fall within the coastal environment (see Figure 2).

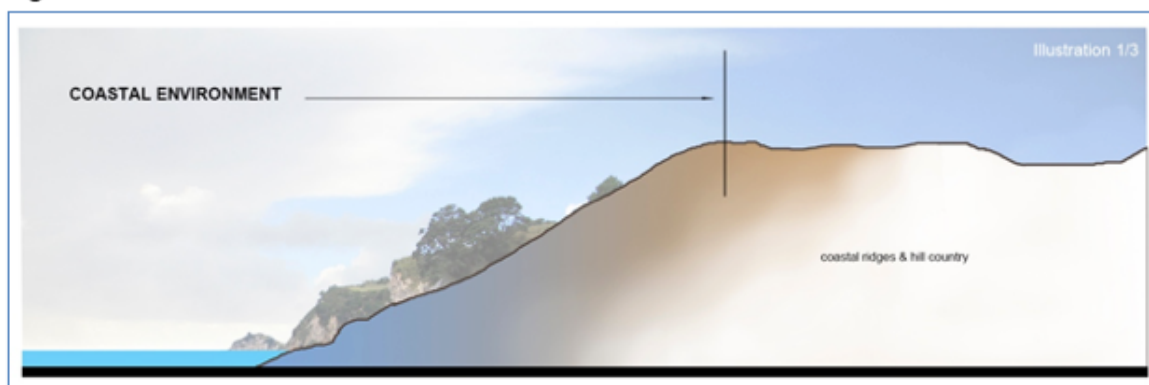


Figure 2 Extent of the Coastal Environment in Coastal Ranges

In some locations the extent of the coastal environment is less easily defined. In these areas the majority of the character is gained from a visual connection with the CMA (especially in terms of the vegetation cover) and by the physical processes derived from close proximity to the sea. In these locations the coastal environment often runs closer to the coast than the major ranges behind it, “hopping” over river valleys and from ridge to ridge quite close to the CMA (refer Figure 3).

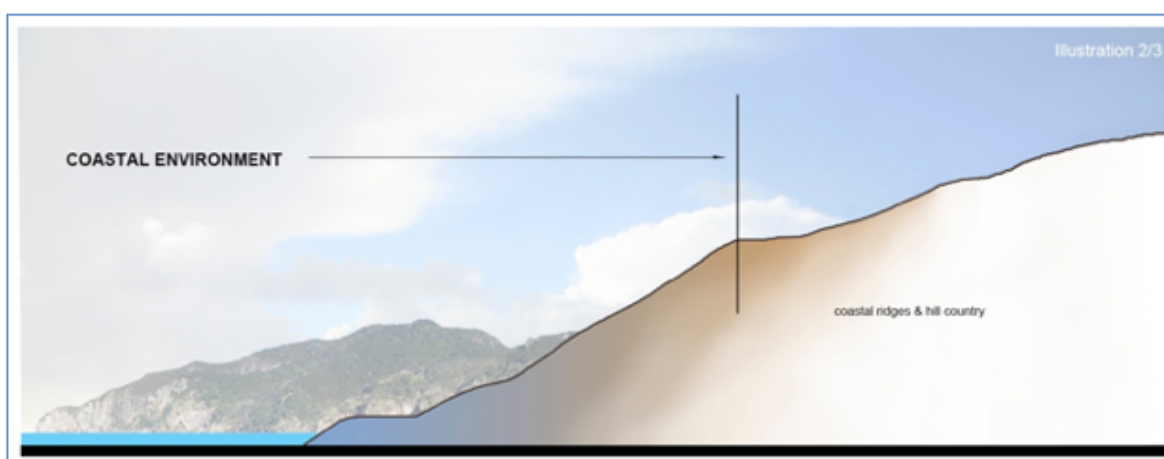


Figure 3 Extent of the Coastal Environment in Areas Where it is Close to the CMA

Three of the four major towns on the West Coast/Te Tai o Poutini, and many of the smaller settlements are found on the coast, and in many instances within the mapped extent of the coastal environment. These areas range from highly modified (e.g. Greymouth) to lightly developed (e.g. Okarito). Alongside this there are extensive areas where the coastal environment is entirely unmodified and the original native vegetation, dune systems, lagoons, wetlands and other coastal landforms remain in their original state. Within South Westland in particular there are very extensive areas of unmodified coastal environment.

The full range of activities that occur on the West Coast/Te Tai o Poutini occur within the coastal environment e.g. – urban areas, mineral extraction, farming, whitebaiting, settlements and tourism. The West Coast/Te Tai o Poutini is, not just in name, defined by its extensive coastal environment.

The coastal environment is also of substantial cultural importance to Poutini Ngāi Tahu. It is a significant source of mahinga kai and the location of nohoanga, mataitai and a large number of sites and areas of significance to Poutini Ngāi Tahu. Where activities may affect Scheduled Sites and Areas of Significance to Māori then the provisions of that chapter apply, however TTPP recognises that Poutini Ngāi Tahu settlement and activities are in many instances focussed in the coastal environment, and that there are extensive areas of Poutini Ngāi Tahu land and customary use areas within the coastal environment.



Figure 4 The Extent of the Coastline of the West Coast/Te Tai o Poutini

The operative district plans take a variable approach to managing the coastal environment and matters of natural character and landscape in this area. In Buller there is a particular focus on the Paparoa Range and the coastline as having substantial coastal natural character, and in Westland there is a strong focus on managing the small coastal communities in South Westland in a way that reflects the high levels of coastal natural character in those areas. The Grey District has a relatively short coastline, and it is the most modified.

Since the operative plans were developed planning practice and assessment methods for coastal natural character and landscape values have developed. There is now also substantial case law around the coastal environment and protection of natural character, landscape and natural features in the RMA, and generally it can be summarised that these are insufficiently dealt with in the operative district plans.

11.2 Regulatory and Policy Direction

11.2.1 Part 2 of the RMA

In carrying out a s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

In achieving this purpose, authorities need also to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in s7 and take into account the principles of the Treaty of Waitangi referred to in s8.

A number of provisions have been included in the Coastal Environment Chapter in response to the requirements in Part 2, including section 6 which is relevant as it specifically requires the preservation of the natural character of the coast and its protection from inappropriate uses, subdivision and development.

Also, of relevance is that the Coastal Environment contains outstanding natural landscapes and features, natural hazards and cultural values and public access must be maintained and enhanced to and along the CMA.

Section 7 is also relevant as the Coastal Environment is a resource that needs to be managed whilst maintaining and enhancing amenity values and the quality of the environment, and the intrinsic values of ecosystems.

Section 8 is relevant because all persons exercising functions and powers under the RMA, in relation to managing the use, development, and protection of natural and physical resources, need to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

11.2.2 National Instruments

New Zealand Coastal Policy Statement

Under section 75(3)(b) of the RMA, the District Plan must give effect to any New Zealand Coastal Policy Statement (NZCPS).

The New Zealand Coastal Policy Statement (NZCPS) came into force in 2010. The objectives and policies in the NZCPS closely reflect the Council's obligations under s5 and s6 of the RMA. The NZCPS recognises the need to balance preservation and protection with enabling people to undertake land uses and development for economic, cultural and social reasons. However, activities need to be appropriately located and managed, recognising that some activities can only be located in the coastal environment.

Policy 1 of the NZCPS sets out how the extent of the Coastal Environment is determined, while recognising that this will vary from region to region and locality to locality due to the high variability of coastal characteristics and values. This has provided the basis upon which the coastal environment of the West Coast/Te Tai o Poutini has been defined.

Policy 2 provides guidance on implementing the Council's obligations under the Treaty of Waitangi. Policy 4 acknowledges the need for the integrated management of the boundary between the land component of the coastal environment and the Coastal Marine Area (CMA).

Other policies:

- direct that a precautionary approach should be adopted when considering activities whose effects may be uncertain, unknown or little understood but potentially significantly adverse.
- advocate for the integrated management of the coastal environment (i.e. working with DOC and WCRC).
- seek to manage the potential effects of built development, whilst recognising the need for public open space and walking access.
- seek the effective management of hazard risk, protecting indigenous biological diversity and natural features and landscapes and preserving and restoring natural character.

TTPP must give effect to the NZCPS as it applies to the landward portion of the coastal environment. It is noted that in parts of the coastal environment of the West Coast/Te Tai o Poutini there is currently very little development, and therefore it is considered that Policies 13, 14 and 15 of the NZCPS will be of particular relevance in those locations. In brief, these seek to:

- preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development;
- promote restoration or rehabilitation of the natural environment of the coastal environment;
- protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development, respectively.

Other policies in the NZCPS will need to be considered in the relevant workstreams i.e. Policy 17 - protecting historic heritage in the coastal environment from inappropriate subdivision, use and development.

National Policy Statement on Renewable Electricity Generation/ National Policy Statement on Electricity Transmission

These NPSs will be addressed in Energy and Infrastructure s32 report, but the utility provisions will need to consider coastal environment provisions particularly as relate to natural character, landscape and natural features unless the provisions of the NPS's override these considerations.

National Environment Standard for Plantation Forestry 2017 (NESPF)

The NESPF permits forestry to be planted across the West Coast/Te Tai o Poutini subject to securing resource consent (as specified by the regulations), except that under clause 6 (1) a rule in a plan may be more stringent than these regulations if the rule gives effect to

(a) an objective developed to give effect to the National Policy Statement for Freshwater Management:

(b) any of policies 11, 13, 15, and 22 of the New Zealand Coastal Policy Statement 2010.

Policy 13 of the NZCPS relates to the preservation of natural character and therefore more stringent rules can be applied to areas with outstanding and high natural character.

11.2.3 National Planning Standards and/or Guidance Documents

The following aspects of the National Planning Standards are relevant to this topic / issue:

1. The Draft District Plan Structure Standard is relevant to this topic as it is a requirement to have a natural environmental values section within which there is a chapter that addresses the coastal environment (if the district has a coastline). There is also a requirement to identify the coastal environment and areas of outstanding and high natural character and, include objectives, policies and methods, including rules (if any) that will ensure the life supporting capacity of these systems are safeguarded as well as objectives, policies and methods, including rules (if any) that will manage the effect of activities in the coastal environment.

2. The coastal environment and areas of ONC and HNC are to be identified as overlays on the planning maps as required for areas that have been spatially identified following a West Coast/Te Tai o Poutini wide assessment and have been determined to have distinctive values and be subject to environmental risks and factors that require management in a different manner from the underlying zone provisions.

11.2.4 Regional Policy and Plans

West Coast Regional Policy Statement

Chapter 9 of the West Coast Regional Policy Statement (WCRPS) addresses the coastal environment and contains four objectives and nine policies with regard to this area.

The Objectives are:

Objective 9.1. Within the coastal environment:

- a) Protect indigenous biological diversity;*
- b) Preserve natural character, and protect it from inappropriate subdivision, use and development; and*
- c) Protect natural features and natural landscapes from inappropriate subdivision, use and development.*

Objective 9.2. Provide for appropriate subdivision, use and development in the coastal environment to enable people and communities to maintain or enhance their economic, social, and cultural wellbeing.

Objective 9.3. Ensure that any new subdivision, use or development in the coastal environment has appropriate regard to the level of coastal hazard risks.

Objective 9.4. Ensure that coastal hazard risks potentially affecting existing development are managed so as to enable the safety, and social and economic wellbeing of people and communities.

Recognising that coastal natural hazards are managed in the natural hazards chapter, relevant policies are:

Policy 9.1. Within the coastal environment protect indigenous biological diversity, and natural character, natural features and natural landscapes from inappropriate subdivision, use and development by:

- a) Identifying in regional and district plans areas of significant indigenous biological diversity, outstanding and high natural character and outstanding natural features and landscapes, recognising the matters set out in Policies 11, 13 and 15 of the NZCPS;*
- b) Avoiding adverse effects on significant indigenous biological diversity, areas of outstanding natural character and outstanding natural landscapes and features; and*
- c) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on indigenous biological diversity, natural character, natural features and natural landscapes;*

Policy 9.2.

- 1) In the case of the National Grid, operation, maintenance or minor upgrading of existing National Grid infrastructure shall be enabled.*
- 2) In the case of the National Grid, following a route, site and method selection process and having regard to the technical and operational constraints of the network, new development or major upgrades of the National Grid shall seek to avoid adverse effects, and otherwise remedy or mitigate adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes, and areas of high and outstanding natural character located within the coastal environment. In some circumstances, adverse effects on the values of those areas must be avoided.*

Policy 9.3. Provide for subdivision, use or development in the coastal environment: Which maintains or enhances the social, economic and cultural well-being of people and communities;

- a) *Which:*
 - i. *Requires the use of the natural and physical resources in the coastal environment; or*
 - ii. *Has a technical, functional or operational requirement to be located within the coastal environment;*
- b) *Recognising that minor or transitory effects associated with subdivision, use and development may not be an adverse effect within those areas described in Policy 9.1.b).*
- c) *By allowing subdivision, use and development where the adverse effects are no more than minor within those areas described in Policy 9.1.c).*
- d) *By allowing lawfully established activities to continue provided the adverse effects are the same or similar in scale, character or intensity.*

Policy 9.4. Provide for new and existing renewable electricity generation activities in the coastal environment, including by having particular regard to:

- a) *The need to be located where the renewable energy resource is available;*
- b) *The technical, functional or operational needs of renewable electricity generation activities.*

Policy 9.5. To give effect to Objective 2 of Chapter 3 of this RPS, manage land and water use in the coastal environment in a way that avoids significant adverse effects (other than those arising from the development, operation, maintenance, or upgrading of RSI and local roads) and avoids, remedies or mitigates other adverse water quality effects on sites that are significant to Poutini Ngāi Tahu, including the following:

- a) *Estuaries, hāpua lagoons, and other coastal wetlands; and*
- b) *Shellfish beds and fishing areas.*

Policy 9.9. Consider opportunities for the restoration or rehabilitation of natural character.

Policy 9.1 gives effect to Policies 11, 13, and 15 of the NZCPS 2010 to protect indigenous biological diversity, landscape and natural character values.

Policy 9.2 provides a specific management approach for the National Grid. 'Seek to avoid' means that the operator must make every possible effort to avoid adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes, and high or outstanding natural character. The circumstances in which adverse effects must be avoided will be dependent on the nature of the adverse effects and values adversely affected, taking into account the technical and operational constraints of the network and the route, site and method selection process.

Policy 9.3 gives effect to Policies 6, 7, 8 and 9 of the NZCPS to recognise that the provision of certain activities in the coastal environment is important to the social, economic and cultural wellbeing of West Coast/Te Tai o Poutini people.

In applying Policy 9.3, case law indicates that it may be acceptable to allow activities that have minor or transitory adverse effects on significant indigenous biological diversity or outstanding natural character or landscape areas and still give effect to these NZCPS policies, where the avoidance of the effects of an activity is not necessary (or relevant) to protect the particular values. 'New' use or development may be more likely to have more than minor or transitory adverse effects. Existing infrastructure and other activities that have been in place for many years are likely to have adverse effects that are no more than minor.

Policy 9.4 gives effect to the National Policy Statement for Renewable Electricity Generation (NPSREG) for activities within the coastal environment.

Policy 9.5 recognises that some coastal environments important to Poutini Ngāi Tahu are particularly sensitive to elevated levels of contaminants in coastal water. Regional and district councils need to have regard to the effects of coastal development on coastal mahinga kai areas such as estuaries, lagoons, coastal wetlands, shellfish beds, and fishing areas including mataitai reserves.

Policy 9.5 includes an exception for the development, operation, maintenance, or upgrading of RSI and local roads in recognition of the fact that there are several places in the coastal environment where important lifeline infrastructure exists in or near to the areas listed in clauses a) and b).

Policy 9.9 gives effect to Policy 14 of the NZCPS which directs the promotion of restoration or rehabilitation of natural character in the coastal environment, including by provisions in the RPS and plans, and conditions in resource consents and designations.

West Coast Regional Coastal Environment Plan

The West Coast Regional Coastal Environment Plan (WCRCP) became operative in 2000 and is currently under review. While it does consider natural landscape, natural features and natural character, the extent of the activities managed by the Regional Coastal Plan ends at Mean High Water Springs. Adverse effects of activities in the coastal marine area that occur on landward landscapes, features and natural character are managed by the Coastal Plan. Te Tai o Poutini Plan will manage activities in the area landwards of the Mean High Water Springs, so it is not affected by the provisions in the WCRCP.

The Proposed Regional Coastal Plan (pRCP) takes a similar approach to the current WCRCP as regards the extent of area covered. However, the pRCP has accompanying technical reports mapping coastal Outstanding Natural Features and Landscapes, coastal Outstanding and High Natural Character Areas, and identifying a landward coastal environment boundary. This work was undertaken by Brown Limited in 2013 and will be further discussed later in this s32 report.

11.2.5 Poutini Ngāi Tahu Iwi Management Plans

The RMA requires that when preparing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (section 74(2A)). There are three iwi management plans on the West Coast/Te Tai o Poutini – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Mahinapua Management Plan.

While these documents focus on specific issues they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values. Natural landscapes may have cultural values such as pā, kāinga, ara tawhito (traditional trails), pounamu, mahinga kai, and wāhi ingoa (place names). The traditions of Ngāi Tahu tūpuna (ancestors) are embedded in the landscape. The Lake Māhinapua Management Plan focusses on the recognition of the key natural and cultural resources provided by this lake of which Poutini Ngāi Tahu owns the bed.

11.2.6 Statutory Acknowledgements

Ngāi Tahu have settled their Treaty of Waitangi Claim with deeds of settlement signed between the Iwi and Crown in 1998, including statutory acknowledgements. These statutory acknowledgements are required to be included as appendices to Te Tai o Poutini Plan.

The purposes of statutory acknowledgements are:

- To require consent authorities, the Environment Court, and Heritage New Zealand to have regard to the statutory acknowledgements in its decision-making;
- To require relevant consent authorities to forward summaries of resource consent applications for activities within, adjacent to, or impacting directly on relevant statutory areas to the governance entity;
- To enable the governance entity and any member of the Iwi to cite the statutory acknowledgements as evidence of the association of the Iwi with the relevant statutory area.

The statutory acknowledgements for the particular cultural, spiritual, historical and traditional association of Poutini Ngāi Tahu include areas within the identified outstanding natural features and landscapes. For example, Poutini Ngāi Tahu iwi statutory acknowledgment areas include Karangarua Lagoon, Makaawhio (Jacob's River), Taramakau River, Ōkari Lagoon, Ōkarito Lagoon, Pouerua/Saltwater Lagoon, and which are all or partly within the coastal environment.

These statutory acknowledgements have been taken into account in the evaluation below, particularly in considering the extent to which the outstanding natural features and landscapes are valued by tangata whenua and/or have historical associations.

11.2.7 Poutini Ngāi Tahu – West Coast Regional Council Mana Whakahono ā Rohe

WCRC, Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu signed a Mana Whakahono ā Rohe in October 2020. This outlines in detail the relationship between the parties and how they will work together around resource management. There are some key sections which have guided the development of Te Tai o Poutini Plan.

Sections 3.18 – 3.23 recognise Poutini Ngāi Tahu historic heritage and cultural landscapes and practices – wāhi tupuna, wāhi tapu, urupā, Poutini Ngāi Tahu archaeological and cultural sites, kōiwi tangata and taonga (collectively Poutini Ngāi Tahu Heritage). It is identified that Poutini Ngāi Tahu Heritage is recorded within planning instruments, that there is a whakapapa relationship of Poutini Ngāi Tahu with Poutini Ngāi Tahu Heritage and that impacts on Poutini Ngāi Tahu Heritage are impacts on Poutini Ngāi Tahu. It recognises the Poutini Ngāi Tahu should participate in decisions that impact on Poutini Ngāi Tahu Heritage.

Section 3.34 identifies that Pounamu Management Areas should be given priority as areas of protection and Poutini Ngāi Tahu whānui access, including through the use of local planning instruments.

Section 3.36 identifies that aotea is given a similar level of priority to pounamu as areas of protection and Ngāti Māhaki whānui access, including through the use of local planning instruments.

Section 4 recognises the importance of Iwi Management Plans and that they shall inform the development of planning frameworks, instruments and documents, as well as decisions on individual resource consents. Acting in accordance with iwi management plans is agreed as the primary means by which a Treaty partnership approach to resource management in the region can be achieved.

11.2.8 Other Legislation

Other legislation and regulations that are relevant to the coastal environment have been considered in preparing the Proposed Plan. These are primarily the Conservation Act 1987, the National Parks Act 1980 and the Marine Reserves Act 1971

There are three national parks which contain land within the coastal environment on the West Coast/Te Tai o Poutini – Kahurangi National Park, Paparoa National Park and Westland Tai Poutini National Park.

These areas are administered by DOC under the National Parks Act 1980 and the Conservation Act 1987.

- The National Parks Act 1980 aims to preserve national parks in perpetuity for their intrinsic worth and for the benefit use and enjoyment of the public. This Act sets out the principles for preserving the national parks and the functions and management of the parks. Each National Park has a Management Plan which sets out the issues, objectives and policies for the preservation, use and management of the park.
- Marine Reserves Act 1971: The Kahurangi Marine Reserve, Punakaiki Marine Reserve and Waiau Glacier Coast Marine Reserve held under the Marine Reserves Act 1971. Section 3(1) of the Marine Reserves Act 1971 states it "shall have effect for the purpose of preserving, as marine reserves for the scientific study of marine life, areas of New Zealand that contain underwater scenery, natural features, or marine life, of such distinctive quality, or so typical, or beautiful, or unique, that their continued preservation is in the national interest". Each Marine Reserve has a Conservation Management Plan to establish objectives for the management of the marine reserve.
- Conservation Act 1987: The following documents prepared by the Department of Conservation (DOC), in accordance with the Conservation Act 1987 seek to establish objectives for the integrated management of natural and historic resources within the West Coast/Te Tai o Poutini region:

- West Coast Conservation Management Strategy
- Kahurangi National Park Management Plan 2001 partially reviewed December 2010 - amended April 2017
- Paparoa National Park Management Plan 2017 amended May 2021
- Westland Tai Poutini National Park Management Plan December 2001 and amended June 2008 and April 2014

12.0 Resource Management Issue and Analysis

12.1 Background

The operative District Plans for the West Coast/Te Tai o Poutini districts have relatively few provisions for natural character, landscape and natural features or the coastal environment. While all three plans consider these matters in policy and assessment criteria for resource consents, the Grey District Plan is the only operative plan that specifically identifies areas of Outstanding Natural Landscape (ONL) (although no differentiation is made on where these are coastal landscapes) and the Buller District Plan is the only operative plan that specifically identifies areas of significant natural character – the Paparoa Character Area.

Because of this, when the three districts started considering reviewing their district plans, and the WCRC was commencing preparation of the proposed Regional Coastal Plan, Brown Ltd were engaged to undertake a region-wide assessment of landscape, natural features and natural character. This assessment resulted in extensive areas of outstanding and high coastal natural character as well as a significant number of coastal ONLs being identified. Areas of OCNC and ONLS in the coastal environment are mapped and scheduled in the proposed Regional Coastal Plan.

The Brown Ltd 2013 study formed the basis of the work used to identify ONLs and areas of OCNC and HCNC in the proposed TTPP. While much of the land identified in the Brown Ltd report as an ONL/HCNC/OCNC is land administered by the Department of Conservation, 6925 hectares of privately owned land was identified in this study as being OCNC. In terms of ONLs within the coastal environment, all of these areas are either HCNC or OCNC, it being the coastal natural character that is a major attribute making the landscapes outstanding.

As a consequence, and because of the age of the study, additional assessments were undertaken to update the boundaries and reflect any change that has occurred over the 9 years since the study was completed.

12.2 Evidence Base – Research, Consultation, Information and Analysis undertaken

12.2.1 Research

The current District Plans have been reviewed, technical advice and assistance from various internal and external experts has been commissioned and utilised, along with internal workshops and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

Title	West Coast Natural Character Assessment Coastal and Terrestrial 2013 – ONC and HNC Matrix
Author	Brown Ltd
Brief Synopsis	This is the analysis matrix for each area of natural character, their key attributes and characteristics which make the area outstanding or high natural character.
Link to Document	https://tpp.nz/wp-content/uploads/2022/01/NC-Combined-Coastal-TerrestrialONC-HNC-Matrix-2013.pdf

Title	West Coast Natural Character Assessment Coastal and Terrestrial 2013 – ONC and HNC Maps
Author	Brown Ltd
Brief Synopsis	These are the maps for each area of high and outstanding natural character as characterised in the Brown Ltd study.
Link to Document	https://tpp.nz/wp-content/uploads/2022/01/NC-Combined-Coastal-TerrestrialONC-HNC-Maps-2013.pdf

Title	West Coast Landscape Assessment Coastal and Terrestrial 2013 - Maps
Author	Brown Ltd
Brief Synopsis	These are the maps of Outstanding Natural Landscapes on the West Coast as identified by Brown Ltd, it also includes the coastal environment boundary from a landscape perspective.
Link to Document	https://tpp.nz/wp-content/uploads/2022/01/West-Coast-ONL-Maps-Terrestrial-Coastal-September-2013.pdf

Title	West Coast Landscape Assessment Terrestrial and Coastal 2013 - Photos
Author	Brown Ltd
Brief Synopsis	These are the photos of Outstanding Natural Landscapes on the West Coast as identified by Brown Ltd.
Link to Document	https://tpp.nz/wp-content/uploads/2022/01/ONL-Schedule-TERRESTRIAL_Photos_2013.pdf

Title	West Coast Landscape and Natural Character Study 2012 & 2013. Explanation of Assessment Methodologies
Author	Brown Ltd
Brief Synopsis	<p>This report outlines the methodologies used to assess the Outstanding Natural Landscapes, Natural Character and Coastal Environment boundary on the West Coast. It outlines what is considered to be an outstanding natural landscape, the caselaw around assessment methods and best practice methodologies. The report outlines the process used and criteria for evaluation of the West Coast landscapes. These criteria were :</p> <p>Biophysical factors</p> <ul style="list-style-type: none"> • Landforms • Vegetation Type • Sea/Waterbodies • Natural Processes • Land Uses, Activities and Structures <p>Perceptual/Aesthetic Values</p> <ul style="list-style-type: none"> • Patters, Composition and Spatial Structure • Vividness, Expressiveness and Legibility • Dynamic and Transient Values • Landmarks and Key Views • Coherence and Unity <p>Associative Values</p>

	<ul style="list-style-type: none"> • Naturalness/Endemic Value – how distinctive to NZ/West Coast Sense of Place • Tangata Whenua Values/Associations • Historical/Heritage Associations
Link to Document	https://tppp.nz/wp-content/uploads/2022/01/West-Coast-Region-ONL-Natural-Character-Assessment-Report-2021.pdf

Title	West Coast Landscape Assessment 2022
Author	Brown Ltd
Brief Synopsis	This report outlines the findings from a field study undertaken over the summer of 2021-2022 by Brown Ltd that reassessed the significance and boundaries of a significant proportion of the ONLs and areas of OCNC and HCNC identified in the 2013 study. Substantial changes were identified, including the identification of one ONL that no longer met the criteria of being “outstanding” and removal of an area of HCNC that had had the natural character substantially compromised. Some sites were also downgraded from Outstanding to High Coastal Natural Character. Significant boundary amendments were also recommended as a consequence of the study.
Link to Document	https://tppp.nz/technical-reports/

Title	New Zealand Geopreservation Inventory
Author	Geosciences Society of New Zealand
Brief Synopsis	This is a map and data portal that identifies sites of significance to geoscience and provides information and assessment of their significance.
Link to Document	http://www.geomarine.org.nz/NZGI/

Title	Te Tai o Poutini Plan Technical Update: Approach to Landscape, Outstanding Natural Features and Natural Character. Report to Te Tai o Poutini Plan Committee May 2021
Author	Lois Easton
Brief Synopsis	This report outlines the issues around landscape, natural features and natural character as relates to development of provisions for TTPP. It includes the statutory context and strategic directions in place. It outlines the current situation in the three Operative Plans. It recommends an approach for managing these issues within TTPP.
Link to Document	https://tppp.nz/wp-content/uploads/2021/05/Agenda-TTPP-Committee-25-May-2021.pdf

Title	Te Tai o Poutini Plan Technical Update: Natural Character and the Coastal Environment – Objectives and Policies. Report to Te Tai o Poutini Plan Committee July 2021
Author	Lois Easton
Brief Synopsis	This report outlines the issues and context for natural character in the coastal environment and proposes draft objectives and policies for review by the Committee

Link to Document	https://tppp.nz/wp-content/uploads/2021/07/TTPP-Agenda-26-July-2021.pdf
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Title	Te Tai o Poutini Plan Technical Update: Natural Character and Activities Adjacent to Waterbodies Rules and Coastal Natural Character Rules. Report to Te Tai o Poutini Plan Committee October 2021
Author	Lois Easton
Brief Synopsis	This report discusses draft Rules for inclusion within Te Tai o Poutini Plan around natural character and the coastal environment.
Link to Document	https://tppp.nz/wp-content/uploads/2022/01/Agenda-29-October-2021.pdf

Subsequent to this report the draft chapter created for the plan was presented to the TTPP Committee on 2 December 2021. The draft chapter was endorsed by the Committee for further refinement and integration into the TTPP framework.

Title	A Geomorphological Characterisation of the Coastal Environment of the West Coast Region, South Island. GNS Science Report 2021/46 October 2021
Author	DJA Barrell, DB Townsend and TM Fitzgerald
Brief Synopsis	Outlines a geomorphological assessment of the coastal environment of the West Coast. Based on a desk top study identifies two perspectives of the coastal environment – one delineates the inland extent of preserved young coastal landforms and the other takes a broader view of the area of coast-related processes since present sea level was attained 6,500 years ago. The geomorphological evidence points to considerable natural changes in the coastline over the last 6500 years.
Link to Document	https://tppp.nz/technical-reports/

Title	Te Tai o Poutini Plan Technical Update: Extent of the Coastal Environment. Report to Te Tai o Poutini Plan Committee 2 December 2021
Author	Lois Easton
Brief Synopsis	This report looks at what is the appropriate boundary for the Coastal Environment considering the landscape and geomorphic assessments. It also reviews the draft rules for the modified areas within the coastal environment.
Link to Document	https://tppp.nz/wp-content/uploads/2021/11/Agenda-TTPP-2-December-1.pdf

The draft TTPP was released for public feedback in January 2022 and there was some feedback provided on the Coastal Environment Chapter. This chapter was amended following feedback as outlined in a report to the Committee on 29th April 2022.

Title	Te Tai o Poutini Plan: Outstanding Natural Landscape and Coastal Natural Character Mapping: Report to Te Tai o Poutini Plan Committee 29 April 2022
Author	Lois Easton

Brief Synopsis	This report brings the results of the review of the ONL mapping and recommends the amended maps for inclusion in the proposed TTPP.
Link to Document	https://tppp.nz/wp-content/uploads/2022/04/TTPP-Agenda-29-April-2022.pdf

Analysis of Land Area and number of properties affected by Outstanding and High Coastal Natural Character

There are 44,636 ha of land, of which 6925 ha is private land within 1514 privately owned properties that are identified as having outstanding and high coastal natural character. All areas of OCNC also fall within ONLs.

Almost all of the land that is identified as having OCNC in the proposed Plan has native vegetation covering it, and where this is located on private land, this is contiguous with public conservation land. Areas of HCNC include some areas with dwellings or extensive farming and production within them. Some settlements (e.g. Punakaiki, Hannah's Clearing, Rapahoe) are surrounded by areas of HCNC or OCNC.

The issue of natural character values is much wider than just the TTPP and the Committee has noted:

1. The significance of the DOC administered lands on the West Coast/Te Tai o Poutini – with 97% of land with outstanding natural character values on the West Coast/Te Tai o Poutini being under management by DOC.
2. The TTPP Committee also acknowledges the role of many other groups, organisations and individuals in the maintenance and protection of natural character and landscape values and natural features generally across the West Coast/Te Tai o Poutini.

12.2.2 Consultation and Engagement

Te Tai o Poutini Plan has been the subject of significant consultation and community engagement. Within that, the outstanding natural features and landscapes provisions have been the subject of targeted consultation within the natural environment focussed consultation alongside the overall TTPP consultation and engagement process.

This commenced in 2019 with the identification of natural environment stakeholders on the West Coast/Te Tai o Poutini – local environmental groups and individuals, the NZ Forest and Bird Protection Society as well as the key agency stakeholders of the Department of Conservation, NZ Fish and Game and the West Coast Conservation Board.

Numerous one on one meetings were held with these individual stakeholders during the Plan drafting, with multi-stakeholder workshops also held.

Specific meetings and workshops held were:

Plan Development Phase

February 2020, 8 April 2021 Forest and Bird

February 2020, 30 June 2021, 29 September 2021, 27 October 2021 – with a range of Department of Conservation Staff

28 July 2020 – multi-stakeholder infrastructure provider workshop

27 August 2020 – multi-stakeholder environmental interests

28 October 2020 – multi – stakeholder agricultural and forestry local interest stakeholders

Draft Plan Consultation Phase

18 February 2022 – West Coast Conservation Board

21 February 2022 - multi – stakeholder agricultural and forestry local interest stakeholders

22 February 2022 – multi-stakeholder infrastructure provider workshop

23 February 2022 - – multi-stakeholder environmental interests

24 February 2022 – with a range of Department of Conservation Staff

24 February 2022 – multi-stakeholder developer and professional services interests

RMA Schedule 1 Consultation

The RMA requires councils to undertake pre-notification consultation with those parties identified in Schedule 1, clause 3, during the preparation of a proposed district plan. These parties include:

- the Minister for the Environment;
- those other Ministers of the Crown who may be affected by the proposed plan;
- local authorities who may be so affected; and
- the tangata whenua of the area who may be so affected, through iwi authorities.

As a result of this consultation, written feedback was received from Department of Conservation, Department of Internal Affairs, Te Rūnanga o Ngāi Tahu and the Ministry for the Environment.

An overview of their feedback and a summary of recommended amendments to draft provisions is contained in a report that was presented to the TTPP Committee on 21 June 2022, as per details below.

Title	First Schedule Consultation
Author	Lois Easton
Brief Synopsis	This report provides a summary of the pre-notification feedback received from RMA First Schedule consultation on the draft Proposed District Plan provisions and the subsequent amendments recommended by staff.
Link to Document	https://tppp.nz/wp-content/uploads/2022/06/TTPP-Committee-Meeting-Agenda-21-June-2022-1.pdf

12.2.3 Poutini Ngāi Tahu Advice

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāti Mahaki o Makaawhio are the two papatipu rūnanga on the West Coast/Te Tai o Poutini. They are collectively known as Poutini Ngāi Tahu. They have provided clear advice to the TTPP Committee around their desire to exercise tino rangatiratanga on their lands.

The responsibility of kaitiakitanga is something that Poutini Ngāi Tahu take very seriously and this is reflected in the high natural values that are found in many Poutini Ngāi Tahu lands. Poutini Ngāi Tahu have and will continue to be excellent kaitiaki of these areas and the many values that they hold. Many of these lands were returned to Poutini Ngāi Tahu under the Ngāi Tahu Settlement Act.

Poutini Ngāi Tahu seeks that Te Tai o Poutini Plan include mechanisms that allow Poutini Ngāi Tahu to exercise tino rangatiratanga across their lands. They have identified that an approach which leaves these matters to be managed through the use of an iwi/papatipu rūnanga management plan is preferred for these areas.

12.3 Operative District Plan Provisions

12.3.1 Buller District Plan

The Buller District Plan became operative on 28 January 2000. The Buller District Plan contains one objective around the management of the coastal environment. Objective 4.7.5.1 is as follows:

To maintain or enhance the natural character of the coastal environment by avoiding, remedying or mitigating the adverse effects of land use activities and subdivision requiring a coastal location.

There are 7 policies that sit under Objective 4.7.5.1:

4.7.6.1. The subdivision, use and development of land in the coastal environment shall be tightly controlled within the Paparoa Character Area.

4.7.6.2. Sensitive coastal environments including areas of importance for mahinga kai shall be protected from the adverse effects of land use activities.

4.7.6.3. The protection and enhancement of whitebait spawning habitats shall be encouraged in conjunction with the other regulatory agencies.

4.7.6.4. The maintenance and enhancement of public access to and along the coastline shall be encouraged except where restrictions are necessary to ensure public safety or to avoid the potential adverse effects of people and/or vehicles on the coastal environment.

4.7.6.5. Alternative methods of refuse and sewage disposal for settlements within the coastal environment shall be investigated where landfill discharges enter waterways and/or where raw sewage is discharged directly to the sea.

4.7.6.6. Co-operation and co-ordination with the West Coast Regional Council in noise management within the Coastal Marine Area.

4.7.6.7. The needs of existing and future activities requiring a coastal location shall be recognised.

These policies recognise that the Paparoa Character Area has specific high coastal natural character and rules within this area, and the related Scenically Sensitive Residential Zone and Scenically Sensitive Commercial Zone, have restrictions on vegetation clearance, height and design of structures and earthworks in order to manage impacts on the coastal natural character.

In addition there are specific setbacks for all activities from mean high water springs – 50m in the Paparoa Character Area and 100m in the Natural Environments Character Area. In the Rural Character Area there is a 150m setback for forestry, prospecting and residential activities whereby a Restricted Discretionary Activity resource consent is required.

Buller Plan Change 140

The Buller District Council released Plan Change 140 in 2016 as part of a package of plan changes relating to the rolling review of the Buller District Plan. This Plan Change was not progressed beyond the notification stage, as by that time it was clear that the district plans on the West Coast/Te Tai o Poutini were going to be combined as a result of recommendations from the Local Government Commission. The plan change proposed to replace the Objective and seven policies with two Objectives and four policies as follow:

Objective 1: To enable appropriate subdivision, use and development where adverse effects on the natural character of the district's coastal environments can be avoided or mitigated.

Objective 2: To maintain and enhance public access to and along the coastline where it is practicable and achievable.

Policy 1: 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 natural character and amenity values.

Policy 2: 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 vegetation or the significant habitats of indigenous fauna;*
- c) The presence of outstanding natural features or landscapes;*
- d) The presence of historic heritage or cultural values including those of significance to Māori;*
- e) The sensitivity of the area to adverse visual effects of the development;*
- f) Whether the activity maintains public access and recreational opportunities;*
- g) Whether the activity has a functional need to be located in the coastal environment;*
- h) Avoidance, remediation or mitigation of potential effects;*
- i) The cultural, social and economic benefits to be derived from the development.*

Policy 3 [Relates to Public Access]

Policy 4 [Relates to Esplanade Reserves and Strips]

12.3.2 Grey District Plan

The proposed Grey District Plan was publicly notified in December 1999. The plan contains one objective, and four policies that relate to the coastal environment. Objective 7.3.1 is as follows:

To preserve the natural character of the coastal environment and the protection of it from inappropriate subdivision, use or development.

The policies are:

7.4.1. Development, use or subdivision affecting the natural character of the coastal environment shall have particular regard to the following:

- a) The extent of existing and likely potential modification as a result of human presence in the area, such as port development and operation.*
- b) The presence of significant indigenous vegetation or natural habitats.*
- c) The life supporting capacity of ecosystems.*
- d) The presence of distinctive landscapes, seascapes and landforms.*
- e) The presence of special spiritual, heritage, cultural values including those of significance to Maori.*
- f) The maintenance and enhancement of high water quality.*
- g) Coastal natural hazard areas.*

7.4.2. Any development within the coastal area should take place in modified areas such as existing settlements in preference to unmodified areas.

7.4.3. Development in unmodified areas should only take place where the setting is integral to the development proposal and adverse effects on those items identified in Policy 1 can be avoided, remedied or mitigated.

7.4.4. Improvement and enhancement of public access by taking of, where appropriate, esplanade reserves on coastal subdivision.

In terms of Rules, the Grey District Plan requires that any building must be setback 100m from Mean High Water Springs or be subject to a Discretionary Activity Resource Consent.

12.3.3 Westland District Plan

The Westland District Plan became operative on 1 June 2002. The Westland District Plan contains one objective around the management of the coastal environment as follows:

3.12.1 To preserve the natural character and unique qualities of the coastal environment by taking into account the effects of subdivision, use or development on these values.

Alongside this objective there are five policies:

4.10.A. Development, use or subdivision affecting the natural character of the coastal environment shall have particular regard to the following:

Coastal processes and natural landforms

- The area is distinctive for natural coastal processes which may also provide a defence to hazards such as beach erosion, shoreline recession, coastal entrance stability, sand drift, coastal inundation, slope and cliff instability.*

Ecosystem functioning and health

- The area is ecologically representative and/or by its connection to one or more significant areas, makes a major contribution to the overall functioning or value of these areas.*

Indigenous vegetation and habitat

- The area supports significant indigenous vegetation and/or natural habitat that is important for migratory species or for breeding, feeding or other vulnerable stages of indigenous species.*

Open space and amenity values

- *The area contains popular areas of open space and/or significant historic, cultural, recreational or scientific values.*

Protected Status

- *The area has been set aside by NZ statute or covenant for protection and preservation or is a recognised wilderness area.*

Buffering

- *The area is well protected from other human based modifying influences.*

4.10. B. The adverse effects of subdivision use or development on the natural character of the coastal environment shall be avoided or mitigated, in particular, in highly sensitive areas such as Wetlands and lagoons.

4.10.C. The maintenance and enhancement of public access and areas of open space shall be encouraged to and along the coastline where these will contribute to enjoyment of the coastal environment by the public.

4.10.D. Development, within the coastal area should take place in modified areas such as existing settlements in preference to unmodified areas.

4.10.E. Development in unmodified areas should only take place where the setting is integral to the development proposal and adverse effects can be avoided, remedied or mitigated.

In terms of rules, the small coastal settlements are included within the Coastal Settlement Zone – which recognises the special characteristics of these areas with rules that are more restrictive around the level of development than in the Small Settlement Zone used elsewhere in the district.

Alongside this, within the Rural Zone, buildings must be setback 150m from Mean High-Water Springs or be subject to a Discretionary Activity resource consent.

12.3.4 Analysis of combined operative district plan approaches

The three operative plan approaches do not specifically identify areas of outstanding or high natural character. Instead they take a generic approach of setting back buildings back from the coast. While natural character is a part of the assessment criteria, in practice, this setback has largely been used as a natural hazard mitigation tool. This has been largely effective in terms of restricting development within the setback areas, but as evidenced by the work of Brown Ltd, there has been degradation of the natural character of the coastal environment in some areas.

In 2013 the three District Councils commissioned Brown Ltd to undertake a natural character assessment of the West Coast, and to identify a coastal environment boundary that reflected the requirements of the NZCPS. Since the 2013 assessment there has been differences in the extent and quality of areas of outstanding and high natural character as identified in the 2022 Brown Ltd report.

While some of these differences can be attributed to issues with mapping (and the much lower quality aerial photography available for the 2013 study) there have also been areas of vegetation clearance, earthworks and mining activity which have degraded the values of previously identified OCNC and HCNC areas.

In conclusion it can be stated that the Operative Plans have only been partially effective at managing the effects of activities on the natural character of the coastal environment – and that the lack of identification and mapping of areas of OCNC and HCNC with specific provisions is a significant contributor to this. The Operative Plans also do not give effect to the requirement of the WCRPS to identify areas of outstanding and high natural character across the West Coast/Te Tai o Poutini.

12.4 Analysis of Best Practice – How Other Councils are Addressing the Same Issue

A review of how other Councils have managed these issues has been undertaken – with an emphasis on recent plans. The following District Plans were reviewed

- Porirua District Plan (2nd generation, proposed)
- New Plymouth District Plan (2nd generation, proposed)
- Selwyn District Plan (2nd generation, proposed)
- Far North District Plan (2nd generation, draft)
- Timaru District Plan (2nd generation, draft)
- Nelson Resource Management Plan (2nd generation, draft)

All the Council plans reviewed had a high degree of restriction of activities in the Coastal Environment. Most of the plans provide for a low level of change and small-scale activities as permitted activities. This is generally restricted to small scale buildings.

Most differentiate between “general” coastal areas and those with high or outstanding natural character – in these areas restrictions are even greater.

In all plans reviewed, the most stringent activity status is non-complying, with this usually applied to large scale activities with high potential for visual change, including forestry, mining/quarrying, and large buildings or activities in areas with high and outstanding natural character.

The use of a non-complying status suggests that applications should be subject to a stringent assessment of adverse effects and consents should only be granted if the activity will not result in more than minor adverse effects on areas with outstanding natural character or the activity/ies is/are not contrary to the relevant objectives and policies.

Some of the plans reviewed are complex and this makes interpretation and application potentially difficult, especially for landowners who are unlikely to be familiar with district plan terminology and layout.

12.5 Summary of Issues Analysis

The analysis of the issues has identified that:

- The operative district plans not give effect to the NZCPS or the WCRPS as they do not identify the extent of the coastal environment or areas of outstanding and high natural character. As such, the coastal environment may not be protected from inappropriate activities and land uses as required by the WCRPS and the objectives and policies of the NZCPS.
- While there are objectives and policies within the operative Plans that apply to the coastal environment, the policy framework has not ensured the preservation of the natural character of the coastal environment and protection from inappropriate subdivision, use and development as required by Policy 13 of the NZCPS.
- The use of a coastal setback which makes buildings seaward of 50/100/150m (depending on the Plan) require a resource consent has been variably applied. In all three districts, consents have been granted for a significant number of buildings within this setback, and the assessment has focussed on natural hazards rather than natural character aspects. This has led to a degradation of natural character in some areas that were formerly high or outstanding natural character.

In summary, the approach to the coastal environment, particularly as regards natural character, is an area where some change is needed to ensure the outcomes expected by the NZCPS and WCRPS.

13.0 Scale and Significance Evaluation

The level of detail undertaken for the evaluation of the Proposed TTPP provisions has been determined by an assessment of the scale and significance of the implementation of these provisions. The scale and significance assessment considers the environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following, namely whether the provisions:

	Minor	Low	Medium	High
Degree of change from the Operative Plans			x	

Effects on matters of national importance (s6 RMA)				x
Scale of effects – geographically (local, district wide, regional, national)				x
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)				x
Scale of effects on those with particular interests, e.g. Tangata Whenua			x	
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?				x
Likelihood of increased costs or restrictions on individuals, businesses or communities			x	

13.1 Explanation Summary

The level of detail of analysis in this report is high.

The coastal environment is a defining feature of the West Coast/Te Tai o Poutini, and areas of outstanding and high natural character are widespread and are highly valued by the community – creating the Region's iconic scenery as well as for opportunities for recreational activities, mahinga kai gathering or ecological values. The protection of the natural character of the coastal environment is identified as a matter of national importance to the country.

However, it is acknowledged that significant land within these areas is privately owned or leased, and that activities such as mining and residential development occur within the coastal environment. There are also substantial pieces of critical infrastructure located within the coastal environment. For example the main Coast Road through the Paparoa Range and extensive roading networks within South Westland. There are also substantial telecommunications and electricity networks, including renewable electricity generation within the coastal environments, as well as three of the four main settlements in the West Coast/Te Tai o Poutini.

With regard to OCNCs, the identified areas are largely vegetated, but within the HCNC there are some areas which are actively farmed. Activities such mineral extraction, infrastructure upgrading and built development within these areas can adversely impact on the natural character and coastal values and generally need to be limited in nature and extent to protect the identified values, meaning that resource consents are required for a broader range of activities than in other locations, with subsequent costs. In addition, consenting information requirements can impose additional costs on applicants as specialist landscape assessments are often required. However, the cost to the environment of not appropriately managing activities that impact on the coastal environment and coastal natural character has the potential to be very high and this is recognised as a matter of national importance under the Resource Management Act.

14.0 Evaluation

14.1 Evaluation of Objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

Existing Objectives	Appropriateness to Achieve the Purpose of the Act
<p>Buller District Plan Objective (Plan Change 140):</p> <p>(Plan Change 140):</p> <p><i>To enable appropriate subdivision, use and development where adverse effects on the natural character of the district's coastal environments can be avoided or mitigated.</i></p> <hr/> <p>Grey District Plan Objective:</p> <p><i>7.3.1 To preserve the natural character of the coastal environment and the protection of it from inappropriate subdivision, use or development.</i></p> <hr/> <p>Westland District Plan Objective</p> <p><i>3.12.1 To preserve the natural character and unique qualities of the coastal environment by taking into account the effects of subdivision, use or development on these values.</i></p>	<p>Retaining separate objectives for the three districts is not considered appropriate.</p> <p>These objectives have been amalgamated into one objective for all three districts that is consistent with the views of TTPP Committee and statutory and policy context.</p> <p>The Buller Plan Change 140 Objective is not consistent with the NZCPS or WCRPS as it focusses on enabling development in the Coastal; Environment. The Grey and Westland District Plan objectives both echo the wording in the RMA but do not address the breadth of matters and direction from the NZCPS and WCRPS.</p> <p>New objectives are proposed as detailed below.</p>
<p>Proposed TTPP Objectives:</p> <p>Coastal Environment Chapter</p> <p>CE – O1 To preserve the natural character, landscapes and biodiversity of the coastal environment while enabling people and communities to provide for their social, economic and cultural wellbeing in a manner appropriate for the coastal environment.</p> <p>CE – O2 The relationship of Poutini Ngāi Tahu with their cultural values, traditions, interests and ancestral lands in the coastal environment is recognised and provided for and Poutini Ngāi Tahu are able to exercise tino rangatiratanga and kaitiakitanga.</p>	<p>The objectives are considered the most appropriate way to achieve the purpose of the Act because they:</p> <ul style="list-style-type: none"> • will give effect to part 5 of the RMA, which requires the Council to provide for people's economic and social wellbeing. • will address the requirement under s6(c) of the RMA to preserve the natural character of the coastal environment. • will address the requirement under s6e of the RMA to recognise and provide for the relationship of Māori with their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; • will give effect to policy in the WCRPS that seeks to preserve the natural character of the coastal environment, • will reflect best practice by using directive language and reflecting the approach taken in other district plans. • will not result in unjustifiably high costs on the community or landowners given the direction to preserve natural character in the RMA.

CE – O3 To provide for activities which have a functional need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.	<ul style="list-style-type: none"> specifically provides for activities that have a functional need to locate in the coastal environment will require the Council, community and landowners to work together. provides an acceptable level of uncertainty and risk in comparison to the protection of the coastal environment to date.
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Evaluation of Alternative Option	Appropriateness to Achieve the Purpose of the Act
Do not define expectations for the coastal environment in TTPP. Rely on WCRPS provisions to set direction.	This option would hinder decision makers when assessing resource consent applications as they would have little guidance on what outcomes are expected. It would also fail to properly recognise and provide for the protection of the coastal environment from inappropriate subdivision, use and development. It would also not recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands and taonga.
<p>Summary</p> <p>The proposed objective will achieve the purpose of the RMA as it is a clear statement of intent that the coastal environment will be identified and protected. It provides certainty as to the outcomes that are appropriate under the TTPP provisions and are aligned with best practice throughout New Zealand.</p>	

14.2 Evaluation of Policies and Rules in relation to the Coastal Environment

14.2.1 Description of the Proposed Provisions

Identification of Areas of Outstanding Natural Character and High Natural Character

Areas of OCNC and HCNC were identified based on a visual assessment undertaken by Brown Ltd in 2013 and updated in 2022. They were assessed using the following process:

Stage:	Process:
1.	Field Work – Mapping of ‘Sufficiently Natural’ Areas: Use of field work and aerial imagery to map an indicative coastal environment & river / lake / wetland margins
2.	Draft Mapping of Natural Character Areas: Use of field work & aerial imagery to subdivide the coastline & freshwater catchments in Natural Character Areas based on their: <ul style="list-style-type: none"> • Water types (sea; lakes / rivers / wetlands) • Landforms • Vegetation Cover • Land Uses & Activities
3.	Evaluation of Each Natural Character Area: Detailed evaluation of each candidate landscape ‘on the ground’ employing the criteria set out overleaf
4.	Evaluation of Each Natural Character Area: Comparative evaluation of each Natural Character Area to evaluate the thresholds for High & Outstanding Natural Character Areas
5.	Overall Evaluation of Each Natural Character Area: Re-assessment of each NC Area to identify Areas of High & Outstanding Natural Character
6.	Review & Refinement Review of the draft ONC & HNC Areas in response to feedback from the Regional and District Councils – leading to the ‘down grading’ of some draft ONC Areas

The criteria employed to assess each candidate area of HCNC or OCNC were as set out below, using the evaluation of Arawhata River Mouth as an example.

Arawhata River Mouth

Unit No: **C7**

Natural Characteristics	
Evaluation Factors:	Key Values: (Indication of key Bio-Physical values)
Landforms (Geomorphology / Geology)	<div></div>
Vegetation Type, Cover & Patterns	<div></div>
Sea / Estuarine Water Bodies	<div></div>
Land Uses / Activities / Structure	<div></div>
Habitat Value	<div></div>
Natural Processes	<div></div>
Rating of Bio Physical Values:	<div> <div></div> <div></div> <div></div> <div></div> <div></div> </div> <div>Low High</div>

Perceptual Values	
Evaluation Factors:	Key Values: (Indication of key Perceptual values)
Wildness / Wilderness / Remoteness	<div></div>
Experiential Attributes	<div></div>
Context / Setting	<div></div>
Transient / Dynamic Attributes	<div></div>
Night-time Values	<div></div>
Rating of Perceptual Values:	<div> <div></div> <div></div> <div></div> <div></div> <div></div> </div> <div>Low High</div>

Overall Natural Character Evaluation
(Biophysical and Perceptual Values)

OUTSTANDING

In terms of the assessment, it was determined that:

- Areas of **Outstanding Natural Character** should equate with being 'close to wholly natural' – although it is not realistic to expect that any part of the coastal environment will be pristine;
- Areas of **High Natural Character** should display a predominance of natural features, elements and patterns [in terms of their biophysical structure and character, perceived naturalness and related associative values] – although they are also likely to contain areas that are clearly subject to human modification, e.g. farming, roading or other activities and structures.
- Areas of **'Other' Levels of Natural Character** are likely to be much more variable – from those containing sizeable remnant features or elements (e.g. headlands, stands of coastal vegetation) to those – like port areas – in which the only natural element is the sea.

Each area of OCNC is described in Schedule Six of the Plan, and identified as an area of OCNC on the planning maps.

Each area of HCNC is described in Schedule Seven of the Plan, and identified as an area of HCNC on the planning maps.

Policies

There are eight policies for the coastal environment. These policies address the following matters:

1. Identification of the coastal environment

2. Areas of the coastal environment that must be protected
3. Circumstances where subdivision, use and development is appropriate within areas of HCNC/OCNC and ONL/ONF within the coastal environment
4. Circumstances where primary production is appropriate within areas of HCNC/OCNC and ONL/ONF within the coastal environment
5. Circumstances where buildings and structures are appropriate in the wider coastal environment
6. Recognising and providing for existing towns, settlements and developments within the coastal environment
7. Providing for natural hazard mitigation works and outlining the circumstances where a reduction of public access is acceptable
8. Specific provision for the National Grid within the coastal environment.

Rules

The rules for the coastal environment focus primarily on areas of HCNC/OCNC and ONL/ONF within the coastal environment. They recognise that there are large areas of the coastal environment that are highly modified, as most development on the West Coast/Te Tai o Poutini is on the coast.

For ease of drafting areas of OCNC, ONF and ONL within the coastal environment are combined into one Outstanding Coastal Environment Area for management within the rule framework.

Permitted Activities include:

- Maintenance, repair and operation of lawfully established structures, buildings and other forms of development
- Conservation activities
- Māori Purpose Activities
- Buildings and Structures outside of areas of OCNC/HCNC, ONF and ONL

Within the HCNC Overlay further Permitted Activities are:

- Buildings and structures for network utilities or renewable electricity generation, Māori Purpose Activities in the Māori Purpose Zone, Parks Facilities within the Open Space and Recreation Zones; new buildings in other zones of no more than 100m² ground floor area and additions of no more than 50m² with a maximum height of 7m
- Maintenance, repair and reconstruction of existing natural hazard mitigation structures by a statutory authority
- Earthworks for cycle/walkways, roads, farm tracks, fences, network utility infrastructure and renewable electricity generation to a max 250m²/ha and 250m³/ha of fill, excavation or removal

Within the Outstanding Coastal Environment Area further Permitted Activities are:

- Additions and alterations to buildings of up to 50m² and 5m height
- Maintenance, repair and reconstruction of natural hazard mitigation structures by a statutory authority
- New fences, stock water reticulation, structures for operation and upgrade of network utilities and renewable electricity generation, structures for environmental and extreme weather event monitoring, buildings and structures for agricultural, pastoral or horticultural activities – to a maximum 100m² and 5m height
- Earthworks for maintenance/repair/upgrade of walking tracks, farm tracks, roads, fences, network utilities or renewable electricity generation

Controlled Activities are:

- Natural hazard mitigation activities in the HCNC Overlay not provided for as Permitted

Restricted Discretionary Activities are:

- Māori Purpose Activities not meeting Permitted Activity Standards
- Buildings and Structures not meeting Permitted Activity Standards that are outside the HCNC Overlay and Outstanding Coastal Environment Area

- Buildings, Structures and Earthworks not meeting Permitted Activity Standards that are within the HCNC Overlay
- Additions to existing buildings and structures in the Outstanding Coastal Environment not meeting Permitted Activity Rules
- Natural Hazard Mitigation Structures in the Outstanding Coastal Environment not meeting Controlled Activity Rules
- Earthworks in the Outstanding Coastal Environment not meeting Permitted Activity Rules where these are for -walking/cycling tracks; roads, farm tracks, fences, installation of network utility infrastructure or renewable electricity infrastructure, establishment of a building platform and access to a building site

Discretionary Activities are:

- Natural Hazard Mitigation Structures in the Outstanding Coastal Environment not meeting Permitted, Controlled or Restricted Discretionary Activity Rules
- Afforestation with Plantation Forestry in the Outstanding Coastal Environment Area, or any Significant Natural Area in the Coastal Environment
- Buildings and Structures not meeting Restricted Discretionary Rules

Non-complying Activities are:

- Activities that would destroy an ONF within the coastal environment

14.2.2 Evaluation of Options around the Coastal Environment

Option	Benefits	Costs	Efficiency and Effectiveness	Risk of acting/not acting
<p>Option A: status quo</p> <p>Buller: 4 policies from Plan Change 140 that focus on providing certainty for landuse within the Paparoa Character Area, and managing the scale, location, design and appropriateness of development in the coastal environment based on a set of criteria.</p> <p>Different rules in different zones controlling aspects that impact on natural character values of some areas of outstanding natural character within the coastal environment. A general setback of residential activities, forestry and prospecting from the coastline of 150m</p> <p>Grey District: 4 policies – that provide assessment criteria for development, direct development away from unmodified areas while providing guidance where it is appropriate. Consideration of natural character matters as an assessment matter where resource consent is</p>	<ul style="list-style-type: none"> Rules are known and have been operating for the last 20 years. 	<ul style="list-style-type: none"> The current approach does not meet the requirements of the WCRPS or the NZCPS. No provisions for Poutini Ngāi Tahu uses and generally the provisions do not reflect the principles of Te Tiriti. Areas of OCNC and HNC in some locations would continue to be degraded as there is insufficient recognition of their values within the rule framework No mapping in place identifying OCNCs/HCNCs – making it hard to assess the effects of activities on them. No specific identification/delineation of the coastal environment making it difficult to determine when coastal policies and objectives should be considered 	<ul style="list-style-type: none"> The current approach has not been effective at protecting coastal natural character values. Identified degradation of natural character values of areas of OCNC and HCNC has occurred. WCRPS requires identification of areas of OCNC and HCNC in accordance with regionally consistent criteria. Maintaining three sets of approaches is inconsistent with the efficiencies sought from the creation of a combined district plan. 	<ul style="list-style-type: none"> The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal. It is considered that there is certain and sufficient information about the provisions in this approach because they have been in place since the Operative District Plans came into effect in the early 2000s. <p>The risk of acting on these status quo provisions is that:</p> <ul style="list-style-type: none"> The current policy framework lacks detail and specific direction on appropriate or inappropriate activities The current policy framework does not recognise the requirements of the WCRPS or what is regarded as good practice in modern planning. Risks of acting in accordance with this approach includes further degradation of the natural

<p>required for other rules in the Plan. A general building setback of 100m from MHWS</p> <p>Westland District: 5 policies providing assessment criteria for development in the coastal environment, directing development away from wetlands and lagoons and unmodified areas while providing guidance where development is proposed in unmodified areas.</p> <p>Different rules in different zones controlling visual impacts of building with a specific Coastal Settlement Zone. A general setback for buildings within the Rural Zone of 150m from Mean High Water Springs.</p>				<p>character of the coastal environment.</p>
<p>Option B: Proposed Plan:</p> <p>Identification and mapping of the coastal environment.</p> <p>Mapping and scheduling of areas of OCNC and HCNC across the three districts.</p> <p>Recognising that much of the coastal environment is modified and focussing rules on the identified areas of high and outstanding natural character.</p>	<ul style="list-style-type: none"> • This approach meets the requirements of the NZCPS to identify the extent of the coastal environment. • This approach meets the requirements of the WCRPS to identify areas of HCNC and OCNC in accordance with regionally consistent criteria. • Objectives, policies and assessment criteria are updated and reflect the 	<ul style="list-style-type: none"> • Administrative costs to council for staff processing and enforcement activity. • Restrictions on landowner's ability to use their land. • Cost to landowners for resource consents 	<ul style="list-style-type: none"> • The proposed provisions are a more effective and efficient option than the status quo as they provide clear identification of the coastal environment and where within this there are areas of HCNC and OCNC and regulation of activities that could affect their values while also providing for ongoing maintenance activities without the need for resource consents. 	<ul style="list-style-type: none"> • The TTPP Committee has sufficient information to determine the effect of the provisions. • Within the Buller and Westland Districts there is experience with rules regulating building form and size within areas with outstanding coastal natural character. • The provisions being proposed have been applied widely in areas of HCNC and

<p>Within areas of HCNC/OCNC as well as ONLs and ONFs in the coastal environment, management of buildings, structures and earthworks through Rules which mean that only minor activities with minor effects are Permitted, otherwise resource consent and assessment of impacts on natural character are required.</p>	<p>requirements of the WCRPS</p> <ul style="list-style-type: none"> • Clear matters of discretion that will assist decision makers when assessing resource consent applications. • Will also assist in maintaining amenity values. • Will provide a clear focus for where natural character must be managed carefully • Within areas of HCNC/OCNC/Coastal ONLs and ONFs Permitted Activity rules provide a clear basis for day-to-day maintenance and operational activities to occur without the need for resource consents. • Poutini Ngāi Tahu enabled to undertake cultural uses and to develop their land in accordance with tikanga 		<ul style="list-style-type: none"> • WCRPS requires identification of areas of HCNC and OCNC in accordance with regionally consistent criteria. • A detailed natural character assessment has been undertaken, and reviewed in 2022 providing confidence in the identification of areas of HCNC and OCNC.. • Having one approach is consistent with the efficiencies sought from the creation of a combined district plan 	<p>OCNC across New Zealand, and are understood to be effective.</p> <ul style="list-style-type: none"> • The proposed approach is consistent with the WCRPS and the NZCPS.
<p>Option C: The Coastal Environment and Areas of HCNC and OCNC mapped in the Plan, but methods outside of TTPP used</p> <ul style="list-style-type: none"> - Rely on non-regulatory methods. - Rely on private landowners to 	<ul style="list-style-type: none"> • Increased economic and development opportunities and flexibility for landowners as they are not subject to regulatory restrictions to protect landscape and natural features. • The Councils will not have to administer resource 	<ul style="list-style-type: none"> • No regulatory controls increase uncertainty as the onus is on private landowners to protect landscape and natural features for the public good, with economic implications for landowners. • Loss of the important values of natural features and 	<ul style="list-style-type: none"> • No rules would enable inappropriate activities, subdivision and development which could lead to the detriment or loss of the natural character of the coastal environment, without any constraints. This approach has no certainty and has the potential to result 	<ul style="list-style-type: none"> • The risk of acting on the non-regulatory approach means that TTPP Committee may not be carrying out its duty/requirements under the RMA and it is likely to result in adverse effects on the natural character of the coastal environment

manage and protect natural character	consent applications for activities within the coastal environment	landscapes, and areas of high and outstanding natural character within the coastal environment and their contribution to community identity, sense of place, amenity values and quality of the environment.	in significant adverse effects. No rules or standards in the TTPP is not considered effective to achieve the objectives or the requirements of the RMA, particularly Sections 6 (a) and (e) and 7. • WCRPS requires protection of areas of HCNC and OCNC	• It is considered that there is sufficient information to determine that Option C on its own is not appropriate (i.e. there is sufficient information so a low risk of acting).
<p>Quantification</p> <p>Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p> <p>The opportunity costs of protection of the natural character of the coastal environment on general land are most likely to arise from limitations on the subdivision, use and development on such properties, rather than precluding subdivision, use and development altogether. Most limitations are likely to be dealt with by general landowners with modifications and adaptations to the next best outcome. On that basis, the consequence of natural character protection for most activities is estimated to be low. Examples of opportunity costs on general land could include:</p> <ul style="list-style-type: none"> • Less potential to subdivide if avoiding areas of OCNC would preclude a building site; • The need to shift a proposed building site, access track, driveway, or road to avoid natural character and coastal impacts; • The need to develop available land more intensively if the ability to spread activities (such as a house design or commercial building) would have required activities occurring in areas of natural features and landscape value; and • An inability to develop land for pasture if that land is subject to natural character protection. <p>There are also opportunity costs for businesses operating mining or extractive activities. Every site is unique, and this makes it difficult to quantify or monetise effects on this industry with any certainty. In terms of potential opportunity costs on nationally significant infrastructure, opportunity costs may take the form of needing to relocate planned infrastructure to avoid areas of HCNC or OCNC (if in fact there are alternatives) or considering alternate methods of development such as undergrounding pipes or cables. Because of the significant capital costs of national infrastructure, any modifications or adaptations (outside the preferred location, route or method) will potentially result in significant costs in dollar terms (but not necessarily significant in % terms relative to total costs).</p>				
<p>Summary:</p> <p>In order to meet the requirements of the WCRPS, NZCPS and the RMA the most appropriate option is Option B: Proposed Plan.</p> <p>The proposed provisions are considered to be the most effective means of achieving the objective(s) at this time as together they will:</p> <ul style="list-style-type: none"> - give effect to the WCRPS and the NZCPS - enable the councils to meet s6 requirements of the RMA - ensure that adverse effects of activities on the natural character of the coastal environment are managed appropriately 				

- | |
|---|
| <ul style="list-style-type: none">- enable the councils to effectively administer TTPP and to monitor the outcomes of the proposed provisions in a clear and consistent manner. |
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15.0 Summary

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option:

- The objectives and policies provide direction and certainty to plan users on the outcomes expected for the coastal environment.
- The inclusion of a schedule and maps of the HCNC and OCNC areas and the coastal environment boundary on the West Coast/Te Tai o Poutini
- Permitted activity rules in respect to buildings, structures and earthworks which allow for maintenance and repair to existing structures and infrastructure.
- Activities that may generate adverse effects, reduce the quality of the environment and harm the values of coastal natural character, coastal landscapes and natural features are appropriately managed through the resource consent process.
- Other methods outside TTPP that are effective in practice to achieve the proposed objectives will continue to be used alongside the regulatory approach.

Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent

Part Four: Natural Character and Waterbodies

16.0 Overview and Purpose

This s32 evaluation report should be read in conjunction with the s32 'Overview Report', which also includes an overview of the s32 legislative requirements, the methodology and approach to the s32 evaluations and the process that the TTPP Committee has undertaken to date through the development of Te Tai o Poutini Plan, including consultation and engagement.

A district plan has relatively restricted jurisdiction to address matters relating to water under the RMA, with most of the functions resting with West Coast Regional Council. However, in areas where the district councils do have jurisdiction, and there is no overlap with West Coast/Te Tai o Poutini Regional Council (principally in relation to the management of activities in the margins of surface water bodies to manage effects on the natural character of the margins of lakes and rivers), the District Plan has a role.

This section 32 evaluation report relates to provisions covering the natural character of the margins of waterbodies and activities on the surface of waterbodies. These are contained in the Natural Character and the Margins of Waterbodies and Activities on the Surface of Water chapters in the Proposed Te Tai o Poutini Plan. There is also the potential for provisions in the Coastal Environment, Cultural and Historic Values, Natural Features and Landscapes and Ecosystems and Indigenous Biodiversity chapters to have some overlap with the Natural Character -Water chapter and this is considered part of the relevant s32 reports.

16.1 Introduction to the Resource Management Issue

Waterbodies and their margins are an important part of the West Coast/Te Tai o Poutini. Waterbodies are connected (Ki uta ki tai - from the mountains to the sea) and have important values, including for biodiversity, cultural or historical reasons.

Under section 31 of the RMA district councils are responsible for the management of activities on land, including the margins of waterbodies. They are also responsible for the management of activities on the surface of waterbodies. The West Coast Regional Council has responsibility for the management of wetlands, lakes and rivers, including land uses in the beds of rivers.

On the West Coast/Te Tai o Poutini a range of activities occur on the surface of and adjacent to rivers, streams, lagoons and lakes. These include activities that have a functional need to locate on water surfaces such as jetties, bridges and piers, recreation activities like whitebaiting, fishing and boating and cultural activities undertaken by Poutini Ngāi Tahu.

Many of the activities that occur on or beside waterbodies have few effects (e.g. occasional recreational boating or sailing, whitebaiting and gamebird shooting). Other, more permanent activities such as structures have potential to generate adverse effects which could compromise important water values (such as the natural character, ecological, cultural, public access, amenity and recreational values of waterbodies).

Poutini Ngāi Tahu have a special relationship with the mauri of waterbodies, and ancestral, cultural, spiritual or historical associations with waterbodies. Many waterbodies in the West Coast/Te Tai o Poutini are identified as statutory acknowledgement areas and there are also nohoanga entitlements in place in some locations. These waterbodies contain associated kāinga, pā, important sites for the gathering of kai, tauranga ika and specialised zones for various activities of high cultural value such as cleansing, iriiringa, food preparation and bathing, which continue to be vital to the wellbeing, livelihood and lifestyle of Poutini Ngāi Tahu.

Rivers, streams, lakes and wetlands have important ecological, natural character and hydrological values and they provide important habitat for native plants, fish, birds, lizards, frogs, insects and aquatic and terrestrial macroinvertebrate aquatic life.

16.2 Regulatory and Policy Direction

16.2.1 Part 2 of the RMA

In carrying out a s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA.

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

In achieving this purpose, authorities need also to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in s7 and take into account the principles of the Treaty of Waitangi referred to in s8. A number of provisions have been included throughout the Proposed TTPP in relation to water resources, in response to the requirements in Part 2, including particularly s6(a) concerning the protection of the natural character of rivers and lakes and their margins, s6(c) regarding the protection of significant indigenous vegetation and significant habitats of indigenous fauna, s6(d) relating to public access to and along the District's lakes and rivers, and s6(e) concerning the relationship of Maori and their culture and traditions with, for example, their ancestral lands and water.

Matters covered in s7(c) and s7(f) are also relevant to water provisions in the Proposed Selwyn District Plan. Those parts of Part 2 that directly reference water, lakes and rivers set out the basic requirements that any District Plan must give effect to, within the functions of a District Council specified under section 31 of the RMA.

Waterbodies can provide important sites for indigenous vegetation and habitat of indigenous fauna, both in their riparian margins and within the waterbodies themselves, and have natural character values. Sections 7(c) and 7(f) of the RMA relate to amenity values and the quality of the environment, both of which surface waterbodies contribute to.

17.2.2 National Instruments

National Policy Statement for Freshwater Management 2020

The National Policy Statement for Freshwater Management 2020 (NPS-FM) sets out an objective and policies that focus on:

- Managing freshwater in a way that 'gives effect' to Te Mana o te Wai: (the integrated and holistic well-being of a freshwater body) in the management of fresh water;
- Prioritising the health and wellbeing of water bodies and freshwater ecosystems, followed by the health needs of people, followed by the ability of people and communities to provide for their social, economic and cultural well-being, now and in the future;
- Avoiding overallocation, improving and maximising efficient allocation and use of water and safeguarding its life-supporting capacity;
- Improving integrated management of fresh water and the use and development of land;
- Establishing a national objectives framework, monitoring progress, and accounting for freshwater takes and contaminants; and
- Providing for the active involvement of tangata whenua in freshwater management and that Māori freshwater values are identified and provided for.

While many of the objectives and policies relate to the functions of regional councils, those covering integrated management, and tangata whenua roles and interests are of relevance to the district council functions. Provisions relating to the management of, use and development of land to safeguard water will also be relevant to the Proposed TTPP, but will need to be implemented in close co-ordination with West Coast Regional Council in order to avoid overlap and duplication.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESFM)

The NESFM sets out a comprehensive suite of regulations in relation to freshwater. These regulations are administered by the WCRC on the West Coast. Of specific relevance to the natural character of the riparian margins of waterbodies are the provisions around the riparian margins of wetlands.

These are aimed principally at protecting the hydrological and ecological functions of wetlands, and their water quality but nevertheless will also have a positive impact as regards natural character.

Clauses 38 – 56 of the regulation restricts vegetation clearance and earthworks within 10m of a wetland and these activities can only be undertaken for the restoration of wetlands, scientific research, construction and maintenance of wetland utility structures, specified infrastructure, existing arable or horticultural use and natural hazard works. Vegetation clearance and earthworks within 10m of a wetland for purposes other than provided for in the regulations are a non-complying activity.

New Zealand Coastal Policy Statement 2010

The mouths of rivers and many lagoons and hapua are located within the coastal environment, for example Ōkārito lagoon. The New Zealand Coastal Policy Statement 2010 (NZCPS 2010) will therefore be relevant to these waterbodies, but this is addressed in the s32 evaluation report for the Coastal Environment topic.

Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (NES-PF)

The NES-PF seeks to maintain or improve the environmental outcomes associated with plantation forestry activities throughout New Zealand, including those activities that could affect rivers, lakes and streams. The NES-PF prevails over any plan rules that duplicate or conflict with it. For the Proposed TTPP Plan, where general rules (such as those controlling earthworks or vegetation clearance) conflict with or duplicate the NES-PF but also apply to activities not involved with plantation forestry, an advisory note or reference to the NES-PF has been inserted to clarify the situation.

National Water Conservation Orders

Two national water conservation orders apply to waterbodies on the West Coast/Te Tai o Poutini – the National Water Conservation (Buller River) Order 2001 and the National Water Conservation (Grey River) Order 1991. Both water conservation orders identify particular values that are considered to be outstanding for each waterbody. Most of the provisions of the two water conservation orders relate to regional council functions, but both also include a clause stating that a resource consent shall not be granted under section 9 of the Act (relating to land use) if the effect would be that the provisions of the water conservation order could not be observed. Implicitly therefore, consents that would not ensure that the values listed for the Buller River and the Grey River were protected could not be issued by any of the Councils for land use activities close to either waterbody.

17.2.3 National Planning Standards and/or Guidance Documents

The Ministry for the Environment National Planning Standards 2019 contain the following aspects of relevance to this topic:

1. District Plan Structure Standard – requires that chapters on Natural character and Activities on the surface of water are included in a District Plan if relevant. The Natural character chapter sits within the Natural Environment Values section, and the Activities on the surface of water chapter sits within the District Wide Matters section
2. Draft District Wide Matters Standard – contains the following relevant sub-matters:
 - if provisions to protect the natural character of wetlands, lakes and rivers and their margins are addressed, they must be located in the Natural character chapter.
 - If a local authority has waterways on which activities occur which require management, it must provide an Activities on the surface of water section under a General – district wide matters section of the District Plan.

There are no national guidance documents relevant to this topic.

17.2.4 Regional Policy and Plans

West Coast Regional Policy Statement

Chapter 7A of the West Coast Regional Policy Statement (WCRPS) contains the provisions on natural character.

The Objectives are:

Objective 7A.1. Protect the natural character of the region's wetlands, and lakes and rivers and their margins, from inappropriate subdivision, use and development.

Objective 7A.2. Provide for appropriate subdivision, use and development to enable people and communities to maintain or enhance their economic, social and cultural wellbeing.

The Policies are:

Policy 7A.1. Use regionally consistent criteria to identify the elements, patterns, processes and qualities of the natural character of wetlands, and lakes and rivers and their margins.

Policy 7A.2 Protect the elements, patterns, processes and qualities that together contribute to the natural character of wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development.

Policy 7A.3 When determining if an activity is appropriate, the following matters must be considered:

- f) The degree and significance of actual or potential adverse effects on the elements, patterns, processes and qualities that contribute to natural character;*
- g) The value, importance or significance of the natural character at the local, or regional level;*
- h) The degree of naturalness;*
- i) The potential for cumulative effects to diminish natural character, and the efficacy of measures proposed to avoid, remedy or mitigate such effects; and*
- j) The vulnerability of the natural character to change, and its capacity to accommodate change, without compromising its values.*

Policy 7A.4. Allow activities which have no more than minor adverse effects on natural character.

Alongside this direction on natural character, Chapter 8 of the WCRPS relates to land and water. Specific relevant objectives and policies are:

Objective 8.2 Provide for a range of land and water uses to enable the economic, social and cultural wellbeing of West Coast communities while maintaining or improving water quality and aquatic ecosystems.

Objective 8.5 Achieve the integrated management of water and the subdivision, use and development of land within catchments, recognising the interconnections between land, fresh water, and coastal water, including by managing adverse effects of land and water use on coastal water quality.

Policy 8.1 Adverse effects on fresh and coastal water quality and aquatic ecosystems arising from:

- a) Subdivision, use or development of land;*
- b) Discharges of contaminants to water and to land in circumstances which may result in contaminants entering water;*
- c) Water use and take; and*
- d) Activities in, or on, water including damming and diversion,*

will be avoided, remedied or mitigated, to ensure that water quality and aquatic ecosystems are maintained or improved.

Policy 8.2 To give effect to Objective 2 of Chapter 3, the adverse effects of subdivision, use and development on Poutini Ngāi Tahu cultural values will be avoided, remedied or mitigated taking into account the following matters:

- a) A preference by Poutini Ngāi Tahu for discharges to land over water where practicable;*
- b) The value of riparian margin vegetation for water quality and aquatic ecosystems; and*
- c) Effects on the sustainability of mahinga kai, and protection of taonga areas.*

Policy 8.3 To give effect to Objective 2 of Chapter 3, manage land and water use in a way that avoids significant adverse effects (other than those arising from the development, operation, maintenance, or upgrading of RSI and local roads) and avoids, remedies or mitigates other adverse water quality effects on sites that are significant to Poutini Ngāi Tahu, including the following:

- a) Estuaries, hāpua lagoons, and other coastal wetlands; and*
- b) Shellfish beds and fishing areas.*

Policy 8.7. Encourage the coordination of urban growth, land use and development including the provision of infrastructure to achieve integrated management of effects on fresh and coastal water.

Policy 8.8 Provide for the social, economic and cultural wellbeing derived from the use and development of land and water resources, while maintaining or improving water quality and aquatic ecosystems.

Policy 8.9 Implement the National Policy Statement for Freshwater Management including the National Objectives Framework.

Policy 8.1 gives effect to the NPSFM and Objective 1 above by requiring that subdivision, use and development activities on land, discharges of contaminants, water takes and uses, and activities in, on, or over, water are managed in a way that reduces the adverse effects of those activities. Explicit detail on how this will be achieved will be set out in the Regional Land and Water Plan which is yet to be updated to comply with the NPSFM.

Regarding Policies 8.2 and 8.3, the discharge of contaminants to water is a significant environmental and cultural concern to Poutini Ngāi Tahu because of its impact on the health and mauri of water bodies, including adverse effects on coastal shellfish beds and fishing areas. To achieve the sustainability of mahinga kai, the health of these taonga must be maintained to provide for the needs of future generations. Discharge of sewage effluent to water is particularly offensive to Poutini Ngāi Tahu. Discharges to land are preferred where practicable, and where the effects are less than for discharges to water. Where possible, Poutini Ngāi Tahu encourage land-based treatment of stormwater, acknowledging that this may not be feasible in all situations on the West Coast/Te Tai o Poutini given the high rainfall and soil types. Poutini Ngāi Tahu also promote the maintenance and enhancement of riparian vegetation to protect water quality and aquatic ecosystems.

The regional and district councils need to have regard to the downstream effects of land and water use on coastal mahinga kai areas. Adverse effects on cultural values can be assessed and managed in consultation with tangata whenua through the resource consent and has been considered as part of the TTPP plan development processes. Mahinga kai and other taonga areas of significance to Poutini Ngāi Tahu are identified in regional plans and also the proposed TTPP.

Policy 8.7 recognises the connectivity between activities on land and their effects on water. These must be managed through both the regional and district plans. Activities upstream can also affect coastal water quality. An example of where integrated management is necessary includes ensuring sufficient infrastructure capacity is provided for stormwater disposal and discharge from new subdivision and land development, in order to avoid stormwater overflows flooding adjoining land, eroding riverbanks, or causing sedimentation of water bodies.

West Coast Regional Land and Water Plan 2014 (WCLWP)

Because freshwater management is primarily a regional function, there are extensive provisions around freshwater and land management in the West Coast Regional Land and Water Plan. Of specific relevance to the margins of waterbodies and activities on the surface of water topics are the following provisions.

In relation to activities in the beds of waterbodies

Objective 5.2.1 5.2.1 To avoid, remedy, or mitigate the adverse effects of lake and riverbed activities on:

- a) The stability of beds, banks, and structures;*

- b) The flood carrying capacity of rivers;
- c) The natural character of wetlands, lakes and rivers and their margins;
- d) Indigenous biodiversity and ecological values, including fish passage;
- e) Amenity, heritage, and cultural values;
- f) Sports fish habitat values;
- g) Water quality;
- h) Navigation; and
- i) Regionally significant infrastructure.

Policy 5.3.1 To provide for appropriate use and development in lakes and rivers and recognise the social and economic benefit particularly related to West Coast communities of maintaining existing structures and infrastructure.

Policy 5.3.2 To manage bed disturbance, reclamation, deposition and the use, erection, extension, reconstruction, maintenance, alteration, demolition, or removal of structures in, on, under, or over the bed of any lake or river, so that the activity does not cause or contribute to significant adverse effects on:

- a) The stability of beds and banks;
- b) The capacity of rivers to carry flood flow;
- c) Heritage, amenity or cultural values;
- d) Water quality;
- e) Existing structures or existing uses;
- f) Navigational safety;
- g) Aquatic ecosystem values (including habitat values and fish passage);
- h) The natural character of the coastal environment, wetlands, rivers and lakes and their margins;
- i) Significant indigenous vegetation and significant habitats of indigenous fauna.

And in relation to land disturbance and riparian areas

Objective 4.2.1 To avoid remedy or mitigate adverse effects from land disturbance so that the region's water and soil resources are sustainably managed.

Policy 4.3.3 To manage the disturbance of riparian margins to:

- a) Maintain or enhance water quality (including clarity, turbidity, and temperature), and in-stream values, (including aquatic ecosystems);
- b) Promote soil conservation;
- c) Ensure that existing public access to water bodies is maintained or enhanced;
- d) Protect the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, from inappropriate use and development;
- e) Enable the maintenance and safe operation of regionally significant infrastructure.

Policy 4.3.7 To promote the exclusion of farm stock from estuaries, wetlands, lakes and rivers and their margins by actively encouraging:

- a) The establishment, maintenance and enhancement of vegetated riparian buffers;
- b) Land and riparian management to be undertaken in accordance with industry best practice;
- c) Fencing of waterways to prevent stock access; and
- d) Construction of bridges or culverts over regular stock crossing points

Policy 4.3.10 To encourage the retention, maintenance, or planting of appropriate riparian vegetation.

In terms of rules, the WCLWP takes the approach of a variable width of riparian margins, depending on the type of activity being regulated. This is outlined in the table below:

Summary of Riparian Margin Widths

Land cover or activity	Dominant slope angle	Rivers		Lakes
		1-3 metres wide	> 3 metres wide	
Existing pasture or pest plants	<12°	3 metres	3 metres	20 metres
	>12°	10 metres	10 metres	20 metres

Indigenous vegetation	<12°	5 metres	10 metres	20 metres
	>12°	10 metres	10 metres	20 metres
Humping & hollowing	Any slope	10 metres	10 metres	20 metres

A range of activities are regulated within riparian margins with generally a controlled activity required for things such as small scale earthworks (eg to establish a river crossing or similar) and a Discretionary Activity for larger scale activities, including earthworks and indigenous vegetation clearance.

No riparian margins are in place through this plan around wetlands, but under the NESFM there are significant restrictions on earthworks and vegetation clearance that can be undertaken within 10m of a wetland. No minimum size of wetland is provided for within the regulation.

17.2.5 Poutini Ngāi Tahu Iwi Management Plans

The RMA requires that when preparing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (section 74(2A)). There are three iwi management plans on the West Coast/Te Tai o Poutini – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Māhinapua Management Plan.

While these documents focus on specific issues they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values. Natural landscapes may have cultural values such as pā, kāinga, ara tawhito (traditional trails), pounamu, mahinga kai, and wāhi ingoa (place names). The traditions of Ngāi Tahu tūpuna (ancestors) are embedded in the landscape. The Lake Māhinapua Management Plan focusses on the recognition of the key natural and cultural resources provided by this lake of which Poutini Ngāi Tahu owns the bed.

The Lake Māhinapua Management Plan has guided the development of provisions for this waterbody in relation to Activities on the Surface of Waterbodies. The bed of Lake Māhinapua is owned by Poutini Ngāi Tahu and the lake and its main outflow Mahinapua Creek/Tuwharewhare are important and scheduled Sites of Significance to Māori.

17.2.6 Statutory Acknowledgements

Ngāi Tahu have settled their Treaty of Waitangi Claim with deeds of settlement signed between the Iwi and Crown in 1998, including statutory acknowledgements. These statutory acknowledgements are required to be included as appendices to Te Tai o Poutini Plan.

The purposes of statutory acknowledgements are:

- To require consent authorities, the Environment Court, and Heritage New Zealand to have regard to the statutory acknowledgements in its decision-making;
- To require relevant consent authorities to forward summaries of resource consent applications for activities within, adjacent to, or impacting directly on relevant statutory areas to the governance entity;
- To enable the governance entity and any member of the Iwi to cite the statutory acknowledgements as evidence of the association of the Iwi with the relevant statutory area.

The statutory acknowledgements for the particular cultural, spiritual, historical and traditional association of Poutini Ngāi Tahu include a large number of surface waterbodies. For example, Poutini Ngāi Tahu iwi statutory acknowledgment areas including Karangarua Lagoon, Kōtuku – Whakaoho/Lake Brunner, Lake Kaniere, Lake Pāringa, Makaawhio (Jacob's River), Ōkaro Lagoon, Ōkarito Lagoon, Pouerua/Saltwater Lagoon and Taramakau River .

These statutory acknowledgements have been taken into account in the evaluation below, particularly in considering the extent to surface waterbodies are valued by tangata whenua and/or have historical associations.

17.2.7 Poutini Ngāi Tahu –West Coast Regional Council Mana Whakahono ā Rohe

WCRC, Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu signed a Mana Whakahono ā Rohe in October 2020. This outlines in detail the relationship between the parties and how they will work together around resource management. There are some key sections which have guided the development of Te Tai o Poutini Plan.

Sections 3.18 – 3.23 recognise Poutini Ngāi Tahu historic heritage and cultural landscapes and practices – wāhi tupuna, wāhi tapu, urupā, Poutini Ngāi Tahu archaeological and cultural sites, kōiwi tangata and taonga (collectively Poutini Ngāi Tahu Heritage). It is identified that Poutini Ngāi Tahu Heritage is recorded within planning instruments, that there is a whakapapa relationship of Poutini Ngāi Tahu with Poutini Ngāi Tahu Heritage and that impacts on Poutini Ngāi Tahu Heritage are impacts on Poutini Ngāi Tahu. It recognises the Poutini Ngāi Tahu should participate in decisions that impact on Poutini Ngāi Tahu Heritage.

Section 3.34 identifies that Pounamu Management Areas should be given priority as areas of protection and Poutini Ngāi Tahu whānui access, including through the use of local planning instruments.

Section 3.36 identifies that aotea is given a similar level of priority to pounamu as areas of protection and Ngāti Māhaki whānui access, including through the use of local planning instruments.

Section 4 recognises the importance of Iwi Management Plans and that they shall inform the development of planning frameworks, instruments and documents, as well as decisions on individual resource consents. Acting in accordance with iwi management plans is agreed as the primary means by which a Treaty partnership approach to resource management in the region can be achieved.

17.2.8 Other Legislation

Other legislation and regulations that are relevant to Natural Character and Waterbodies have been considered in preparing the Proposed Plan. These are primarily the Conservation Act 1987, the National Parks Act 1980 and the Marine Reserves Act 1971

There are six national parks which contain land on the West Coast/Te Tai o Poutini – Kahurangi National Park, Paparoa National Park, Westland Tai Poutini National Park, Aoraki/Mt Cook National Park, Mt Aspiring National Park and Arthurs Pass National Park.

These areas are administered by DOC under the National Parks Act 1980 and the Conservation Act 1987.

- The National Parks Act 1980 aims to preserve national parks in perpetuity for their intrinsic worth and for the benefit use and enjoyment of the public. This Act sets out the principles for preserving the national parks and the functions and management of the parks. Each National Park has a Management Plan which sets out the issues, objectives and policies for the preservation, use and management of the park.
- Marine Reserves Act 1971: The Kahurangi Marine Reserve, Punakaiki Marine Reserve and Waiau Glacier Coast Marine Reserve held under the Marine Reserves Act 1971. Section 3(1) of the Marine Reserves Act 1971 states it "shall have effect for the purpose of preserving, as marine reserves for the scientific study of marine life, areas of New Zealand that contain underwater scenery, natural features, or marine life, of such distinctive quality, or so typical, or beautiful, or unique, that their continued preservation is in the national interest". Each Marine Reserve has a Conservation Management Plan to establish objectives for the management of the marine reserve.
- Conservation Act 1987: The following documents prepared by the Department of Conservation (DOC), in accordance with the Conservation Act 1987 seek to establish objectives for the integrated management of natural and historic resources within the West Coast/Te Tai o Poutini region:
 - West Coast Conservation Management Strategy
 - Aoraki/Mount Cook National Park Management Plan 2012
 - Arthurs Pass National Park Management Plan 1987
 - Kahurangi National Park Management Plan 2001 partially reviewed December 2010 - amended April 2017

- Mount Aspiring National Park Management Plan 2011
- Paparoa National Park Management Plan 2017 amended May 2021
- Westland Tai Poutini National Park Management Plan December 2001 and amended June 2008 and April 2014

18.0 Resource Management Issue and Analysis

18.1 Background

The operative District Plans for the West Coast/Te Tai o Poutini all have provisions in place for managing activities adjacent to waterbodies, but activities on the surface of water is less comprehensively dealt with. The provisions in relation to the margins of waterbodies are very similar across the operative plans for the three districts, and reflect the general practice and approach widely used across New Zealand.

With 84% of the West Coast/Te Tai o Poutini falling within the public conservation lands, a large number of the large surface waterbodies in the region are regulated via the Conservation Act and there are detailed provisions in the West Coast Conservation Management Strategy in relation to activities on and around waterbodies.

Maritime New Zealand is the national regulatory, compliance and response agency for the safety and security of coastal and inland waterways. They promulgate maritime rules around conduct of vessels. While the undoubted focus of their function is the marine environment, regulations also apply to vessels in freshwaters.

The West Coast Regional Council has the power to set local regulations under the Maritime Transport Act 1994 through a Navigation and Safety Bylaw but has not elected to do so. The Regional Council has transferred its Harbourmaster functions for Greymouth Port and Westport Port to the respective District Councils and does not provide any Harbourmaster function at Jackson Bay.

18.2 Evidence Base – Research, Consultation, Information and Analysis undertaken

18.2.1 Research

The current District Plans have been reviewed, technical advice and assistance from various internal and external experts has been commissioned and utilised, along with internal workshops and community feedback to assist with setting the plan framework. This work has been used to inform the identification and assessment of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions. This advice includes the following:

Title	Te Tai o Poutini Plan: Options for Hydro Development Report to Te Tai o Poutini Plan Committee January 2021
Author	Lois Easton
Brief Synopsis	This report outlines the issues around potential hydro development on the West Coast and what approach could be used to support hydro development in Te Tai o Poutini Plan.
Link to Document	https://tppp.nz/wp-content/uploads/2021/01/TTPP-26-January-2021-Agenda.pdf

Title	Te Tai o Poutini Plan Technical Update: Activities on the Surface of Water Report to Te Tai o Poutini Plan Committee March 2021
Author	Lois Easton
Brief Synopsis	This report discusses draft Objectives and Policies for inclusion within Te Tai o Poutini Plan around activities on the surface of water.

Link to Document	https://tpp.nz/wp-content/uploads/2021/04/TTPP-Agenda-30-March-2021.pdf
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Title	Te Tai o Poutini Plan Technical Update: Approach to Landscape, Outstanding Natural Features and Natural Character. Report to Te Tai o Poutini Plan Committee May 2021
Author	Lois Easton
Brief Synopsis	This report outlines the issues around landscape and natural features as relates to development of provisions for TTPP. It includes the statutory context and strategic directions in place. It outlines the current situation in the three Operative Plans. It recommends an approach for managing these issues within TTPP.
Link to Document	https://tpp.nz/wp-content/uploads/2021/05/Agenda-TTPP-Committee-25-May-2021.pdf

Title	Te Tai o Poutini Plan Technical Update: Natural Character and the Coastal Environment – Objectives and Policies. Report to Te Tai o Poutini Plan Committee July 2021
Author	Lois Easton
Brief Synopsis	This report outlines the issues and context for natural character and activities adjacent to waterbodies and proposes draft objectives and policies for review by the Committee
Link to Document	https://tpp.nz/wp-content/uploads/2021/07/TTPP-Agenda-26-July-2021.pdf

Title	Te Tai o Poutini Plan Technical Update: Activities on the Surface of Water Rules Report to Te Tai o Poutini Plan Committee July 2021
Author	Lois Easton
Brief Synopsis	This report discusses draft Rules for inclusion within Te Tai o Poutini Plan around activities on the surface of water.
Link to Document	https://tpp.nz/wp-content/uploads/2021/07/TTPP-Agenda-26-July-2021.pdf

Title	Response to NPS Freshwater Management and NPS Urban Development. Report to Te Tai o Poutini Plan Committee September 2021
Author	Lois Easton
Brief Synopsis	This report outlines how these two NPS are being given effect to in Te Tai o Poutini Plan and recommends some amendments to reflect the national direction.
Link to Document	https://tpp.nz/wp-content/uploads/2021/09/Agenda-TTPP-28-September-2021.pdf

Title	Te Tai o Poutini Plan Technical Update: Natural Character and Activities Adjacent to Waterbodies Rules and Coastal Natural Character Rules. Report to Te Tai o Poutini Plan Committee October 2021
Author	Lois Easton

Brief Synopsis	This report discusses draft Rules for inclusion within Te Tai o Poutini Plan around natural character and activities adjacent to waterbodies.
Link to Document	https://tpp.nz/wp-content/uploads/2022/01/Agenda-29-October-2021.pdf

Subsequent to this report the draft chapter created for the plan was presented to the TTPP Committee on 2 December 2021. That draft chapter was endorsed by the Committee for further refinement and integration into the TTPP framework.

The draft TTPP was released for public feedback in January 2022 and there was some feedback provided on the Natural Character -Water provisions. The two chapters were amended following feedback as outlined in a report to the Committee on 29th March 2022.

18.2.2 Consultation and Engagement

Te Tai o Poutini Plan has been the subject of significant consultation and community engagement. Within that, the natural character and waterbodies provisions have been the subject of targeted consultation within the natural environment focussed consultation alongside the overall TTPP consultation and engagement process.

This commenced in 2019 with the identification of natural environment stakeholders on the West Coast/Te Tai o Poutini – local environmental groups and individuals, the NZ Forest and Bird Protection Society as well as the key agency stakeholders of the Department of Conservation, NZ Fish and Game and the West Coast Conservation Board.

Numerous one on one meetings were held with these individual stakeholders during the Plan drafting, with multi-stakeholder workshops also held.

Specific meetings and workshops held were:

Plan Development Phase

February 2020, 8 April 2021 Forest and Bird

February 2020, 30 June 2021, 29 September 2021, 27 October 2021 – with a range of Department of Conservation Staff

28 July 2020 – multi-stakeholder infrastructure provider workshop

27 August 2020 – multi-stakeholder environmental interests

28 October 2020 – multi – stakeholder agricultural and forestry local interest stakeholders

Draft Plan Consultation Phase

18 February 2022 – West Coast Conservation Board

21 February 2022 - multi – stakeholder agricultural and forestry local interest stakeholders

22 February 2022 – multi-stakeholder infrastructure provider workshop

23 February 2022 – multi-stakeholder environmental interests

24 February 2022 – with a range of Department of Conservation Staff

24 February 2022 – multi-stakeholder developer and professional services interests

RMA Schedule 1 Consultation

The RMA requires councils to undertake pre-notification consultation with those parties identified in Schedule 1, clause 3, during the preparation of a proposed district plan. These parties include:

- the Minister for the Environment;
- those other Ministers of the Crown who may be affected by the proposed plan;
- local authorities who may be so affected; and
- the tangata whenua of the area who may be so affected, through iwi authorities.

As a result of this consultation, written feedback was received from Department of Conservation, Department of Internal Affairs, Te Rūnanga o Ngāi Tahu and the Ministry for the Environment.

An overview of their feedback and a summary of recommended amendments to draft provisions is contained in a report that was presented to the TTPP Committee on 21 June 2022, as per details below.

Title	First Schedule Consultation
Author	Lois Easton
Brief Synopsis	This report provides a summary of the pre-notification feedback received from RMA First Schedule consultation on the draft Proposed District Plan provisions and the subsequent amendments recommended by staff.
Link to Document	https://tppp.nz/wp-content/uploads/2022/06/TTPP-Committee-Meeting-Agenda-21-June-2022-1.pdf

18.2.3 Poutini Ngāi Tahu Advice

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāti Mahaki o Makaawhio are the two papatipu rūnanga on the West Coast/Te Tai o Poutini. They are collectively known as Poutini Ngāi Tahu. They have provided clear advice to the TTPP Committee around their expectations for waterbodies and activities that may affect these. Many waterbodies on the West Coast/Te Tai o Poutini are highly significant to Poutini Ngāi Tahu. There are a large number of waterbodies identified as Sites and Areas of Significance to Māori, sites and waterbodies such as Lake Mahinapua and the Arahua River where Poutini Ngāi Tahu own the bed of the waterbody, and areas that are important for mahinga kai and other uses. The Makaawhio River and Arahua River are the waterbodies that feature in the pepeha of Ngāti Mahaki o Makaawhio and Ngāti Waewae respectively and as such have extreme significance to Poutini Ngāi Tahu.

Poutini Ngāi Tahu seeks that Te Tai o Poutini Plan include mechanisms that allow Poutini Ngāi Tahu to exercise tino rangatiratanga across some awa (rivers) and roto (lakes and lagoons). They have identified that an approach which leaves these matters to be managed through an iwi/papatipu rūnanga management plan is preferred for these areas.

18.3 Operative District Plan Provisions

18.3.1 Buller District Plan

The Buller District Plan became operative on 28 January 2000. The Buller District Plan contains objective around the management of the natural character of waterbodies. This is as follows:

Objective 4.4.13.1 Promote land use activities which maintain or improve the water quality of the District's rivers and do not adversely affect water quantity, in order to safeguard the life supporting capacity of water.

There are 8 policies that sit under Objective 4.4.13.1

4.4.14.1. Consultation and liaison with relevant interested parties contained in a non statutory register shall continue on matters relating to the land/water quality management interface within Buller District.

4.4.14.2. Significant ecological, cultural and heritage sites related to the water resource shall be recognised and wherever possible protected through the encouragement of integrated land management practices.

4.4.14.3. To control the modification of significant natural wetlands to protect their natural character, landscape values, and their significance as areas of indigenous vegetation and habitats for indigenous fauna, and to sustain their life supporting capacity as indigenous ecosystems.

4.4.14.4. The protection of water resources from adverse effects of land based activities shall be encouraged and promoted.

4.4.14.5. The establishment of buffers for example, in the form of esplanade reserves or strips along the margins of lakes, rivers and the Coastal Marine Area shall be promoted and encouraged as a means of maintaining and enhancing water quality.

4.4.14.6. Council has identified the following lakes, coastal estuaries and other waterways as places where the use of motorised craft is inappropriate because of the disturbance to wildlife, conflict with other users, degradation of natural character and disruption of natural quiet.

4.4.14.6.1. There be no provision for motorised craft use on:

- *Lake Christobel*
- *Lake Hanlon*
- *Kohaihai River*

4.4.14.6.2. In the following water bodies, the use of motorised water craft with an engine capacity of less than 5 horse power is permitted:

- *Lake Daniells*
- *Punakaiki River: upstream of the road bridge*
- *Pororari River: upstream of the road bridge*
- *Otomahana Lagoon*
- *Orowaiti River: upstream of the rail bridge*
- *Okari: upstream of the road bridge*

4.4.14.7. To protect and enhance riparian margins adjacent to rivers, streams, lakes, wetlands and the coast for the purposes of:

- i. Maintenance of the natural character of waterways, natural habitats and water quality including the mitigation of adverse effects of contaminant discharges and other natural and aesthetic and amenity values associated with the adjacent waterway.*
- ii. Public recreation.*
- iii. Public access.*
- iv. Maintenance of bank stability and reduction in sedimentation.*

In terms of rules the Buller District Plan identifies riparian margins within the Rural Character Area, Paparoa Character Area, Natural Environments Character Area as follows:

- 25m from every wetland >0.5ha
- 20m from all lakes
- 10m from rivers and streams with an average bed width of >3m

Within these riparian margins the only activities allowed without a Discretionary Activity resource consent are fencing, pest and weed control, infrastructure, services and stopbanks.

In terms of activities on the surface of waterbodies, the Buller District Plan controls

- Commercial operations on the surface of the Buller River, Karamea River and tributaries (Discretionary Activity resource consent required)

Buller Plan Change 141

The Buller District Council released Plan Change 141 in 2016 as part of a package of plan changes relating to the rolling review of the Buller District Plan. This Plan Change was not progressed beyond the notification stage, as by that time it was clear that the district plans on the West Coast/Te Tai o Poutini were going to be combined as a result of recommendations from the Local Government Commission. The plan change proposed to replace the Objective and eight policies with two Objectives and two policies as follow:

Objective 2 – 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 4 – To enable activities on the surface of waterbodies where adverse effects on significant natural character, ecological, recreational, amenity and cultural values are avoided or mitigated.

Policy 6 – To avoid 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 – To enable the use of the surface of waterbodies provided the adverse effects of these activities on natural character, ecological, cultural and amenity values of waterways and their margins are avoided or mitigated.

18.3.2 Grey District Plan

The proposed Grey District Plan was publicly notified in December 1999. The plan contains two objectives, and five policies that relate to the waterways and their margins. These are as follows:

Objective 6.3.1 To avoid, remedy or mitigate adverse effects arising from conflicting activities on the surface of waters.

Objective 6.3.2 Preservation of the natural character of lakes, rivers and wetlands and their margins from inappropriate use, development and subdivision.

Policy 6.4.1 Activities should be separated on the surface of water where there is a potential for conflict.

Policy 6.4.2 Activities on the surface of water should not adversely affect public access, water quality and amenities such as quietness.

Policy 6.4.3 The adverse effects of activities on natural character of margins should be avoided, remedied or mitigated in terms of:

- a) Recreation values*
- b) Conservation values*
- c) Continued public access*
- d) Retention of indigenous vegetation and habitats*
- e) Water quality*
- f) Heritage sites*
- g) Cultural and spiritual values*

Policy 6.4.4 Structures that do not have a operational reason to be located on the margins of rivers and lakes, and in wetlands, should avoid this location, particularly in unmodified areas.

Policy 6.4.5 Any modification of wetlands is undertaken in a manner that protects their natural character and, in particular, those components of the natural character that comprise indigenous vegetation, habitat for indigenous fauna, life supporting capacity for indigenous ecosystems and ecological functioning

In terms of rules, the Grey District Plan identifies riparian margins within the Rural Environment Area, as follows:

- 25m from every wetland >0.5ha
- 20m from all lakes
- 10m from rivers and streams with an average bed width of >3m

Within these riparian margins indigenous vegetation clearance, buildings and forestry require a Discretionary Activity resource consent.

The Grey District Plan does not have specific rules for activities on the surface of waterbodies – instead controlling these as though there were land uses on zoned land.

18.3.3 Westland District Plan

The Westland District Plan became operative on 1 June 2002. The Westland District Plan contains two objective around the management of water resources as follow:

3.11.1 To control landuse and subdivision activities that may have adverse effects on the quality, instream values and availability of water resources and recognise the importance of water to the environment.

3.11.2 To avoid, remedy and/or mitigate the adverse effects of activities which utilise surface waters.

Alongside this there are five relevant policies:

4.11.A Land based activities shall avoid, remedy or mitigate adverse effect on the water quality of rivers, lakes and streams.

4.11.B Developers and landowners shall be encouraged to establish buffer zones or riparian strips along the margins of water bodies adjacent to land use activities with potential to adversely affect water quality.

4.11.D To maintain and enhance significant indigenous vegetation on water margins.

4.11.E To control the destruction and removal of significant indigenous vegetation on water margins.

4.12.A. To ensure that activities being undertaken on the District's lakes and rivers occur in a manner which avoids, remedies or mitigates their effects on wildlife habitats, other natural conservation values and tangata whenua values.

In terms of the rules, the Westland District Plan identifies riparian margins within the Rural Zone, as follows:

- 25m from every wetland >2ha
- 20m from all lakes
- 10m from rivers and streams with an average bed width of >3m

Within these riparian margins the indigenous vegetation clearance and buildings require a Discretionary Activity resource consent.

The Westland District Plan does not have specific rules for activities on the surface of waterbodies – instead controlling these as though there were land uses on zoned land.

18.3.4 Analysis of combined operative district plan approaches

The three operative plans approaches are generally working well as regards management of the margins of waterbodies, however there is a significant gap, particularly in Grey and Westland around the management of activities on the surface of waterbodies. In the absence of a Regional Council bylaw, an increase in commercial water-based activities, and increased use of motorised watercraft on surface waterbodies across the West Coast is now having adverse effects in some locations. In particular strong concern has been expressed by Poutini Ngāi Tahu regarding the impacts of activities on cultural values of sites and areas of significance to Māori and a range of other waterbodies with significant Poutini Ngāi Tahu values.

Within the Westland and Grey Districts, the approach of treating activities (e.g. commercial activities) on waterbodies as though it was zoned land is probably ultra vires –this practice has arisen because of the age of the operative plans and insufficient regulation of activities in this area.

19.4 Analysis of Best Practice – How Other Councils are Addressing the Same Issue

A review of how other Councils have managed these issues has been undertaken – with an emphasis on recent plans. The following District Plans were reviewed

- Porirua District Plan (2nd generation, proposed)
- New Plymouth District Plan (2nd generation, proposed)
- Selwyn District Plan (2nd generation, proposed)
- Far North District Plan (2nd generation, draft)
- Timaru District Plan (2nd generation, draft)
- Nelson Resource Management Plan (2nd generation, draft)

Plans prepared under the National Planning Standards all have separate chapters for Natural Character as it relates to waterbodies and Activities on the Surface of Water, however plans prepared prior to the standards often combine the two matters.

In relation to the margins of waterbodies and management of natural character, there's quite a variable approach to this. Generally, all Councils require some degree of setback -the current setbacks in the Operative West Coast District Plans are at the less restrictive end of the spectrum but

not unusually so. Generally buildings and structures, indigenous vegetation clearance and earthworks are the matters that are regulated.

Older plans often incorporate setback provisions into zone standards, rather than having separate standalone provisions.

In relation to management of activities on the surface of waterbodies:

- Porirua has no navigable waters under its jurisdiction and therefore does not have any provisions for activities on the surface of water.
- New Plymouth requires a resource consent for all structures on the surface of water;
- Nelson controls motorised and non-motorised watercraft and commercial activities;
- Selwyn regulates motorised watercraft on the surface of lakes with a shortlist of Permitted Activities and all other use of motorised watercraft Prohibited;
- Timaru has detailed waterbody specific provisions which focus on motorised craft and commercial activities and structures.

19.5 Summary of Issues Analysis

The analysis of the issues has identified that:

- Generally in relation to the margins of waterbodies and protection of natural character, the operative plans are working reasonably well, and in step with wider national practice.
- There is a multi-layer of other regulations (NES – FW and the WCRLWP) that also regulate activities in the riparian margins of waterbodies
- Activities on the surface of water are less well managed in the operative plans.
- While speed and type of watercraft is a matter normally regulated through a regional council bylaw, no such bylaw is in place on the West Coast
- Poutini Ngāi Tahu have identified a significant need to better manage activities on the surface of waterbodies as some current unregulated activities are adversely affecting cultural values and the natural character of culturally important waterbodies.

20.0 Scale and Significance Evaluation

The level of detail undertaken for the evaluation of the Proposed TTPP provisions has been determined by an assessment of the scale and significance of the implementation of these provisions. The scale and significance assessment considers the environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following, namely whether the provisions:

	Minor	Low	Medium	High
Degree of change from the Operative Plans			x	
Effects on matters of national importance (s6 RMA)				x
Scale of effects – geographically (local, district wide, regional, national)			x	
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)		x		
Scale of effects on those with particular interests, e.g. Tangata Whenua			x	
Degree of policy risk – does it involve effects that have been considered		x		

implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?				
Likelihood of increased costs or restrictions on individuals, businesses or communities		x		

20.1 Explanation Summary

The level of detail of analysis in this report is low-moderate.

While the management of water resources has a number of components that are of national importance under Part 2 of the RMA (including natural character, significant indigenous vegetation, significant habitats of indigenous fauna, public access and the relationship of Māori and their culture and traditions with water), the role that the district councils have under s31 of the RMA is restricted to the management of the effects of land use.

Many of the effects of land use on water are considered explicitly under the WCRPS and the WCRLWP, and duplication of the approaches is not efficient. In addition, the provisions recommended for the Proposed TTPP are largely a refinement of the operative District Plan provisions rather than a completely new approach. The effect of the provisions is therefore already well understood and the proposed provisions will not result in significant additional environmental, economic, social or cultural costs.

21.0 Evaluation

21.1 Evaluation of Objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

Existing Objectives	Appropriateness to Achieve the Purpose of the Act
<p>Buller District Plan Objectives (Plan Change 140):</p> <p>(Plan Change 140):</p> <p><i>Objective 2 – 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.</i></p> <p><i>Objective 4 – To enable activities on the surface of waterbodies where adverse effects on significant natural character, ecological, recreational, amenity and cultural values are avoided or mitigated.</i></p>	<p>Retaining separate objectives for the three districts is not considered appropriate.</p> <p>These objectives have been amalgamated into a set of objectives for all three districts that are consistent with the views of TTPP Committee and statutory and policy context.</p> <p>The Buller Plan Change 140 Objectives are not consistent with the WCRPS as they focus on enabling development in the margins of waterbodies and activities on the surface of waterbodies, rather than giving effect to the protective requirements set out in the higher order regulation. The Grey and Westland District Plan objectives both echo the wording in the RMA but do not address the breadth of matters and direction from the WCRPS.</p>
<p>Grey District Plan Objectives:</p> <p><i>Objective 6.3.1 To avoid, remedy or mitigate adverse effects arising from</i></p>	<p>New objectives are proposed as detailed below.</p>

<p><i>conflicting activities on the surface of waters.</i></p> <p><i>Objective 6.3.2 Preservation of the natural character of lakes, rivers and wetlands and their margins from inappropriate use, development and subdivision.</i></p>	
<p>Westland District Plan Objective</p> <p><i>3.11.1 To control landuse and subdivision activities that may have adverse effects on the quality, instream values and availability of water resources and recognise the importance of water to the environment.</i></p> <p><i>3.11.2 To avoid, remedy and/or mitigate the adverse effects of activities which utilise surface waters.</i></p>	
<p>Proposed TTPP Objectives:</p> <p>Natural Character and the Margins of Waterbodies Chapter</p> <p><i>NC – O1 To preserve the natural character of lakes, rivers and wetlands and their margins while providing for appropriate subdivision, use and development where adverse effects can be avoided or mitigated</i></p> <p><i>NC – O2 To recognise and provide for the relationship of Poutini Ngāi Tahu and their traditions, values and interests associated with the natural character of lakes, rivers and wetlands and their margins</i></p> <p><i>NC – O3 To provide for activities which have a functional need to locate in the margins of lakes, rivers and wetlands in such a way that the impacts on natural character are minimised</i></p> <p>Activities on the Surface of Waterbodies Chapter</p> <p><i>ASW – O1 The ecological, recreational, natural character, amenity and Poutini Ngāi Tahu values of the District's rivers, lakes and lagoons are protected from the adverse effects of activities and structures on the surface of water.</i></p>	<p>The objectives are considered the most appropriate way to achieve the purpose of the Act because they:</p> <ul style="list-style-type: none"> • will give effect to part 5 of the RMA, which requires the Council to provide for people's economic and social wellbeing. • will address the requirement under s6(a) of the RMA to preserve the natural character of the margins of waterbodies and protect it from inappropriate use and development • will address the requirement under s6e of the RMA to recognise and provide for the relationship of Māori with their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; • will give effect to policy in the WCRPS that seeks to preserve the natural character of waterbodies • will reflect best practice by using directive language and reflecting the approach taken in other district plans. • provides for activities that have a functional need to locate adjacent to waterbodies • will not result in unjustifiably high costs on the community or landowners given the direction to preserve natural character in the RMA. • will require the Council, community and landowners to work together. • provides an acceptable level of uncertainty and risk in comparison to the protection of the waterbodies and their natural character to date.

Evaluation of Alternative Option	Appropriateness to Achieve the Purpose of the Act
An alternative to Objectives NC-O1 – O3 would be to have a	A more general objective, while still consistent with the requirements of the RMA and the higher order documents that

<p>more general objective to maintain and enhance, or protect, the values of the West Coast's water bodies.</p> <p>An alternative to Objective ASWO1 would have been to not consider the effects of activities on the surface of waterbodies within the District</p>	<p>the TTPP must give effect to, would be less clear and less effective and could duplicate functions with the WCRC. It would also not recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands and taonga.</p> <p>Not considering the effects of activities on the surface of the West Coast's waterbodies would not allow acknowledged issues with the use of some waterbodies on Poutini Ngāi Tahu values.</p>
<p>Summary</p> <p>The proposed objective will achieve the purpose of the RMA as it is a clear statement of intent that the natural character and values of the margins of waterbodies will be identified and protected. It provides certainty as to the outcomes that are appropriate under the TTPP provisions and are aligned with best practice throughout New Zealand.</p>	

21.2 Evaluation of Policies and Rules

21.2.1 Description of the Proposed Provisions

Width of Riparian Margins and Definitions

The operative Plans approach to widths of riparian margins has been brought across and standardised for the three districts. Widths of riparian margins are in line with national direction and regional approaches as much as possible, in order to minimise the complexity of the regulation in this area. Riparian margin widths are:

- 10m from the edge of any wetland;
- 20m from the bank of any lake; and
- 10m from the bank any stream or river with an average bed width of >3m.

Definitions of wetland are as per the RMA and the definition of lake does not include any ephemeral pond, artificial pond/waterbody, reservoir, or water hole.

Identification of Culturally Significant Waterbodies

Consultation with Poutini Ngāi Tahu through development of the Plan has identified culturally significant waterbodies. Poutini Ngāi Tahu considered the range of types of activities that impact on cultural values. In some instances these particularly relate to the use of waterbodies by motorised watercraft, or for groups of watercraft and these waterbodies were identified as needing management through the Activities on the Surface of Waterbodies provisions. The cultural values of other waterbodies were identified as being vulnerable to events – and these are regulated through the Temporary Activities part of TTPP. A large number of waterbodies were also identified as Sites and Areas of Significance to Māori and those provisions apply. The waterbodies of cultural significance regulated by the Activities on the Surface of Water provision are:

In Grey

- Saltwater Lagoon Paroa and Kaimata/New River. These are part of the Taramakau River system over which Poutini Ngāi Tahu have a statutory acknowledgement.

In Westland

- Lake Mahinapua and its main outflow Mahinapua Creek/Tuwharewhare. The bed of Lake Mahinapua is owned by Poutini Ngāi Tahu who have prepared a management plan jointly with DOC for its management. This specifically prescribes that motorised watercraft should be excluded from the lake and Tuwharewhare. The whole area is also an identified Site of Significance to Māori. It also has a statutory acknowledgement over it.
- Arahura River. The bed of the Arahura River is owned by Poutini Ngāi Tahu and it is the sacred awa of Ngāti Waewae. The river and surrounding land are also identified Sites and Areas of Significance to Māori.

- Makaawhio River. This is the sacred awa of Ngāti Mahaki o Makaawhio. The river and surrounding land are also identified Sites and Areas of Significance to Māori and there is a statutory acknowledgement over the river.
- Waitangiroto River, South Westland. This has a Site of Significance to Māori identified and is also highly valued for its natural character.
- Makatata Stream, South Westland. This has a Site of Significance to Māori identified and is also highly valued for its natural character.

Policies

There are five policies for Natural Character and the Margins of Waterbodies. These policies address the following matters:

- a) Minimising adverse effects of activities on natural character
- b) Where indigenous vegetation clearance and earthworks are provided for
- c) Where buildings and structures are provided for
- d) Encouraging the restoration of natural character of riparian margins
- e) Balancing public access with natural hazard mitigation

There are three policies for the Activities on the Surface of Waterbodies. These policies address the following matters:

- a) Use non-motorised watercraft
- b) Use motorised watercraft
- c) Commercial activities and structures

Rules

The rules for the natural character of waterbodies and riparian margins are similar to the operative plans but standardised as one set. They also are explicit about activities that can occur in riparian margins due to a functional or operational need to locate there.

Permitted Activities are:

Indigenous vegetation clearance of 20m²/200m length of riparian margin and earthworks of 20m³/200m length of riparian margin for the following purposes:

- Fence lines;
- Maintenance, operation, minor upgrade and repair of network utilities, critical infrastructure or renewable electricity generation activities;
- Connections to reticulated network utility systems;
- Installation of an environmental monitoring and extreme weather event monitoring facility;
- Maintenance and repair of lawfully established structures;
- The construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone;
- The establishment of a river crossing point up to 3m wide;
- Poutini Ngāi Tahu activities;
- Activities on Māori Purpose Zoned land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan;
- Natural hazard mitigation activities undertaken by a statutory agency.

Buildings and Structures for the following purposes are also Permitted:

- Network utilities;
- Temporary whitebait stands;
- Environmental monitoring facilities;
- Parks facilities and parks furniture within an Open Space and Recreation Zone;
- Natural hazard mitigation structures constructed by a statutory agency
- Renewable electricity generation facilities where these have a functional need to locate within the riparian margin;
- Stormwater discharge structures and water supply intake structures.

New natural hazard mitigation structures are also Permitted Activities where they are constructed by a statutory agency.

Outside of these Permitted Activities, indigenous vegetation clearance, earthworks and buildings/structures in riparian margins are a Discretionary Activity.

In relation to Activities on the Surface of Waterbodies the rules are as follow:

Permitted Activities:

- Use of Non-commercial, non-motorised watercraft
- Use of non-commercial, motorised watercraft except for specifically identified lakes and rivers
- Use of non-commercial, motorised watercraft on specifically identified lakes and rivers where this is for scientific purposes, biosecurity, law enforcement, conservation work, sports fish management or where it is provided for in an iwi/Papatipu Rūnanga management plan.
- Installation of structures on artificial lakes and ponds
- Installation of structures on the surface of waterbodies where they are:
 - On the specifically identified lakes and rivers in accordance with an iwi/Papatipu Rūnanga management plan
 - Temporary swimming platforms
 - Whitebait stands

Controlled Activities:

- Permanent swimming platforms except on specific identified waterbodies of cultural significance

Restricted Discretionary Activities

- Commercial activities on the surface of waterbodies except on specific identified waterbodies of cultural significance

Discretionary Activities

- Use of motorised watercraft, commercial activities and structures not meeting Permitted, Controlled or Restricted Discretionary Activity Rules

21.2.2 Evaluation of Options in relation to Natural Character and Waterbodies

Option	Benefits	Costs	Efficiency and Effectiveness	Risk of acting/not acting
<p>Option A: status quo</p> <p>Buller (Plan Change 141): Two policies which aim to enable activities on the surface of waterbodies and to avoid or mitigate effects on natural character, ecological, recreational, amenity and cultural values of waterbodies and their margins</p> <p>Rules which restrict indigenous vegetation clearance, earthworks and buildings within riparian margins in the rural zones.</p> <p>Grey District: Five policies that aim to separate conflicting activities, avoid remedy or mitigate adverse effects on recreation, conservation, public access, indigenous vegetation and habitats, water quality, heritage sites and cultural and spiritual values.</p> <p>Direction to avoid structures that do not have an operational reason to locate on or adjacent to waterbodies.</p>	<ul style="list-style-type: none"> Rules are known and have been operating for the last 20 years. Protection of riparian margins provides a natural environment asset to the West Coast and a better living environment for the community, and a community asset (where access is available) particularly in townships adjacent to waterbodies 	<ul style="list-style-type: none"> No provisions for Poutini Ngāi Tahu uses and generally the provisions do not reflect the principles of Te Tiriti. 	<ul style="list-style-type: none"> Maintaining three sets of approaches is inconsistent with the efficiencies sought from the creation of a combined district plan. 	<ul style="list-style-type: none"> The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal. It is considered that there is certain and sufficient information about the provisions in this approach because they have been in place since the Operative District Plans came into effect in the early 2000s. <p>The risk of acting on these status quo provisions is that:</p> <ul style="list-style-type: none"> The current policy framework lacks detail and specific direction on appropriate or inappropriate activities The current policy framework does not recognise the impacts some activities are having on cultural values and natural character of waterbodies

<p>Rules which restrict indigenous vegetation clearance, earthworks and buildings within riparian margins in the rural zones.</p> <p>Westland District: Five policies that seek to avoid, remedy or mitigate adverse effects on water quality, wildlife habitats and tangata whenua values, encourage buffer zones along the margins of waterbodies, and control destruction of significant indigenous vegetation on water margins.</p> <p>Rules which restrict indigenous vegetation clearance, earthworks and buildings within riparian margins in the rural zones.</p>				
<p>Option B: Proposed Plan:</p> <p>Standardised riparian margin</p> <p>Policies that provide for protection of natural character as well as cultural values of waterbodies of importance to Poutini Ngāi Tahu.</p> <p>Rules that Rules which restrict indigenous vegetation clearance, earthworks and</p>	<ul style="list-style-type: none"> • Minimisation of duplicated costs between TTPP and WCRC consent processes through restriction in scope of District Plan rules • Protection of riparian margins provides a natural environment asset to the West Coast and a better living environment for the community, 	<ul style="list-style-type: none"> • Administrative costs to council for staff processing and enforcement activity. • Restrictions on landowner's ability to use their land. • Cost to landowners for resource consents 	<ul style="list-style-type: none"> • The proposed provisions are a more effective and efficient option than the status quo as they reduce the overlap between the different layers of regulation • WCRPS requires management of the natural character of waterbodies. • Having one approach is consistent with the efficiencies sought from the creation of a combined district plan 	<ul style="list-style-type: none"> • The TTPP Committee has sufficient information to determine the effect of the provisions. • The provisions are similar to the operative plans – there is good experience of their effectiveness and what activities require management. • The provisions being proposed have been applied widely in riparian areas across New Zealand, and

<p>buildings within riparian margins in the rural zones.</p> <p>Rules that allow for watercraft use as a permitted activity on most waterbodies but restrict commercial activities so that effects can be managed. Rules that provide for Poutini Ngāi Tahu to lead decision making around how culturally significant waterbodies are managed in relation to activities on their surface.</p> <p>Restricting the development of structures on waterbodies to minimise impacts on natural character and public access.</p>	<p>and a community asset (where access is available) particularly in townships adjacent to waterbodies</p> <ul style="list-style-type: none"> • Enables tino rangatiratanga over culturally significant waterbodies and supports cultural uses • More clearly supports activities that have a functional need to locate on or adjacent to waterbodies 			<p>are understood to be effective.</p> <ul style="list-style-type: none"> • The proposed approach is consistent with the WCRPS. • There is sufficient information available about the benefits for natural character of management of activities in riparian margins to provide a good foundation for the objective, policies and rule requirements proposed. The costs and benefits of the provisions are well understood. Consequently the risks of acting as proposed are not considered to be significant.
<p>Option C: Do not restrict activities on the surface of water and in riparian margins</p> <ul style="list-style-type: none"> - Rely on provisions in the WCRC Land and Water Plan and the NES – FW only for riparian management - Seek the development of a WCRC Bylaw to manage watercraft on surface waterbodies 	<ul style="list-style-type: none"> • Increased economic and development opportunities and flexibility for landowners as they are not subject to regulatory restrictions to protect landscape and natural features. • The Councils will not have to administer resource consent applications for activities adjacent to or on waterbodies 	<ul style="list-style-type: none"> • Structures are not regulated by the WCRC riparian provisions meaning that loss of natural character could occur. • Does not address Poutini Ngāi Tahu concerns about impacts on the cultural and natural values of culturally significant waterbodies 	<ul style="list-style-type: none"> • No rules would enable inappropriate activities, subdivision and development which could lead to the detriment or loss of the natural character of the coastal environment, without any constraints. This approach has no certainty and has the potential to result in significant adverse effects. No rules or standards in the TTPP is not considered effective to achieve the objectives or the requirements of the RMA, 	<ul style="list-style-type: none"> • The risk of acting on the non-regulatory approach means that TTPP Committee may not be carrying out its duty/requirements under the RMA and it is likely to result in adverse effects on the natural character of the coastal environment • It is considered that there is sufficient information to determine that Option C on its own is not appropriate (i.e. there is sufficient

			particularly Sections 6 (a) and (e) and 7. • WCRPS requires protection of areas of HCNC and OCNC	information so a low risk of acting).
<p>Quantification</p> <p>Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p>				
<p>Summary:</p> <p>In order to meet the requirements of the WCRPS and the RMA the most appropriate option is Option B: Proposed Plan.</p> <p>The proposed provisions are considered to be the most effective means of achieving the objective(s) at this time as together they will:</p> <ul style="list-style-type: none"> - give effect to the WCRPS - enable the councils to meet s6 requirements of the RMA - ensure that adverse effects of activities on the natural character of waterbodies are managed appropriately - enable the councils to effectively administer TTPP and to monitor the outcomes of the proposed provisions in a clear and consistent manner. 				

22.0 Summary

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option:

- The objectives and policies provide direction and certainty to plan users on the outcomes expected for waterbodies.
- Permitted activity rules in respect to buildings, structures and earthworks which allow for maintenance and repair to existing structures and infrastructure
- Activities that may generate adverse effects, reduce the quality of the environment and harm the values of waterbodies are appropriately managed through the resource consent process.
- Other methods outside TTPP that are effective in practice to achieve the proposed objectives will continue to be used alongside the regulatory approach.

Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.

Te Tai o Poutini Plan Section 42A Officer's Report Coastal Environment



Table of Contents

TABLE OF CONTENTS.....	2
LIST OF SUBMITTERS AND FURTHER SUBMITTERS ADDRESSED IN THIS REPORT	4
ABBREVIATIONS	9
1.0 PURPOSE OF REPORT	9
2.0 QUALIFICATIONS AND EXPERIENCE.....	10
2.1 CODE OF CONDUCT	10
2.2 CONFLICT OF INTEREST	11
2.3 EXPERT ADVICE	11
3.0 SCOPE OF REPORT AND TOPIC OVERVIEW	11
3.1 SCOPE OF REPORT.....	11
3.2 TOPIC OVERVIEW.....	11
3.3 STRATEGIC DIRECTION	12
4.0 STATUTORY REQUIREMENTS.	13
4.1 RESOURCE MANAGEMENT ACT	13
4.2 NEW ZEALAND COASTAL POLICY STATEMENT	13
4.3 NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY 2023	14
4.4 NATIONAL POLICY STATEMENT – RENEWABLE ELECTRICITY GENERATION AND NATIONAL POLICY STATEMENT ELECTRICITY TRANSMISSION	15
4.5 NATIONAL ENVIRONMENTAL STANDARD FOR COMMERCIAL FORESTRY.....	15
4.6 NATIONAL PLANNING STANDARDS.....	15
4.7 PROCEDURAL MATTERS.....	16
5.0 CONSIDERATION OF SUBMISSIONS RECEIVED.....	16
5.1 OVERVIEW OF SUBMISSIONS RECEIVED	16
5.2 STRUCTURE OF THIS REPORT.....	16
6.0 SUBMISSIONS ON DEFINITIONS	16
7.0 SUBMISSIONS ON THE COASTAL ENVIRONMENT CHAPTER AS A WHOLE AND THE OVERVIEW	18
7.1 SUBMISSIONS ON THE COASTAL ENVIRONMENT CHAPTER AS A WHOLE	18
7.2 SUBMISSIONS ON THE OVERVIEW	21
8.0 SUBMISSIONS ON THE OBJECTIVES	26
8.1 SUBMISSIONS ON THE OBJECTIVES AS A WHOLE	26
8.2 SUBMISSIONS ON OBJECTIVE CE – O1	26
8.3 SUBMISSIONS ON OBJECTIVE CE – O2	30
8.3 SUBMISSIONS ON OBJECTIVE CE – O3	31
9.0 SUBMISSIONS ON THE POLICIES.....	38
9.1 SUBMISSIONS ON THE POLICIES AS A WHOLE.....	38
9.2 SUBMISSIONS ON POLICY CE – P1	41
9.3 SUBMISSIONS ON POLICY CE – P2	45
9.4 SUBMISSIONS ON POLICY CE – P3	47
9.5 SUBMISSIONS ON POLICY CE – P4	52
9.6 SUBMISSIONS ON POLICY CE – P5	56
9.7 SUBMISSIONS ON POLICY CE – P6	61
9.8 SUBMISSIONS ON POLICY CE – P7	68
9.9 SUBMISSIONS ON POLICY CE – P8	69
10.0 SUBMISSIONS ON THE RULES THAT AFFECT THE WHOLE COASTAL ENVIRONMENT	72
10.1 SUBMISSIONS ON THE RULES AS A WHOLE	72
10.2 SUBMISSIONS ON RULE CE – R1 MAINTENANCE AND REPAIR OF LAWFULLY ESTABLISHED STRUCTURES, NETWORK UTILITIES, RENEWABLE ELECTRICITY GENERATION, FENCE LINES AND TRACKS WITHIN THE COASTAL ENVIRONMENT	80

10.3 SUBMISSIONS ON RULE CE – R2 CONSERVATION ACTIVITIES WITHIN THE COASTAL ENVIRONMENT	84
10.4 SUBMISSIONS ON RULE CE – R3 MĀORI PURPOSE ACTIVITIES AND BUILDINGS IN THE COASTAL ENVIRONMENT	85
10.5 SUBMISSIONS ON RULE CE – R4 BUILDINGS AND STRUCTURES IN THE COASTAL ENVIRONMENT ...	87
10.6 SUBMISSIONS ON RULE CE – R13 MĀORI PURPOSE ACTIVITIES AND BUILDINGS IN THE COASTAL ENVIRONMENT NOT MEETING PERMITTED ACTIVITY STANDARDS.....	100
10.7 SUBMISSIONS ON RULE CE – R14 BUILDINGS AND STRUCTURES NOT MEETING RULE CE - R4 OUTSIDE OF THE OUTSTANDING COASTAL ENVIRONMENT AND HIGH COASTAL NATURAL CHARACTER OVERLAY	101
11.0 SUBMISSIONS ON PERMITTED ACTIVITIES IN THE HIGH NATURAL CHARACTER OVERLAY	105
12.0 SUBMISSIONS ON PERMITTED ACTIVITIES IN THE OUTSTANDING COASTAL ENVIRONMENT AREA	121
13.0 SUBMISSIONS ON OTHER RULES FOR THE HIGH NATURAL CHARACTER AND OUTSTANDING COASTAL ENVIRONMENT AREA OVERLAYS	137
13.1 SUBMISSIONS ON OTHER RULES MANAGING NATURAL HAZARD MITIGATION STRUCTURES	138
13.2 SUBMISSIONS ON RULES IN RELATION TO BUILDINGS, STRUCTURES AND EARTHWORKS	148
RULE CE – R21 BUILDINGS, STRUCTURES AND EARTHWORKS IN THE HIGH NATURAL CHARACTER OVERLAY OR THE OUTSTANDING COASTAL ENVIRONMENT NOT MEETING RESTRICTED DISCRETIONARY RULES	155
RULE CE – R16 ADDITIONS TO EXISTING BUILDINGS AND NEW BUILDINGS AND STRUCTURES AND ASSOCIATED EARTHWORKS WITHIN THE OUTSTANDING COASTAL ENVIRONMENT AREA NOT MEETING PERMITTED ACTIVITY STANDARDS.....	157
13.3 SUBMISSIONS ON RULE CE – R20 AFFORESTATION WITH PLANTATION FORESTRY IN THE OUTSTANDING COASTAL ENVIRONMENT AREA OR ANY SIGNIFICANT NATURAL AREA IDENTIFIED IN SCHEDULE FOUR IN THE COASTAL ENVIRONMENT	162
13.4 SUBMISSIONS ON RULE CE – R22 ACTIVITIES IN THE COASTAL ENVIRONMENT THAT WOULD DESTROY ANY OUTSTANDING NATURAL FEATURE IDENTIFIED IN SCHEDULE SIX OR THE VALUES WHICH MAKE IT OUTSTANDING	164
14.0 SUBMISSIONS ON SUBDIVISION RULES SUB – R16, SUB – R17 AND SUB – R24	166
15.0 SUBMISSIONS ON THE PLANNING MAPS AND SCHEDULES	170
15.1 SUBMISSIONS ON NATURAL CHARACTER OVERLAYS.....	170
15.2 SUBMISSIONS ON THE COASTAL ENVIRONMENT OVERLAY	196
16.0 S32AA EVALUATION FOR ALL RECOMMENDED AMENDMENTS.....	208
EFFECTIVENESS AND EFFICIENCY	208
COSTS/BENEFITS.....	209
RISK OF ACTING/NOT ACTING	209
DECISION ABOUT MOST APPROPRIATE OPTION	209
16.0 CONCLUSION.....	209

List of Submitters and Further Submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
<i>FS190</i>	<i>Aidan Corkill</i>	
<i>FS193</i>	<i>Aimee Milne</i>	
<i>FS169</i>	<i>Allwyn Gourley</i>	
S575	Amanda Jenkins	
<i>FS181</i>	<i>Andrew Bruning</i>	
<i>FS196</i>	<i>Arthur Neighbours</i>	
S510	Avery Bros	
S609	Avery Brothers	
<i>FS164</i>	<i>Barbara Bjerring</i>	
S491 <i>FS89</i>	Bathurst Resources Limited and BT Mining Limited	Bathurst Resources
S504 <i>FS118</i>	Bert Hofmans	
<i>FS170</i>	<i>Bevan Langford</i>	
S601	Birchfield Coal Mines Ltd	
S604 <i>FS150</i>	Birchfield Ross Mining Limited	
S511	Bradshaw Farms	
<i>FS198</i>	<i>Brendon Draper</i>	
S513	Brett Avery	
S576	Brian Anderson	
<i>FS165</i>	<i>Brian Patrick Jones</i>	
<i>FS166</i>	<i>Bryan Rhodes</i>	
S552 <i>FS224</i>	Buller Conservation Group	
S538 <i>FS149</i>	Buller District Council	
<i>FS138</i>	<i>Buller Electricity Limited</i>	
S568	Cape Foulwind Staple 2 Ltd	
S564 <i>FS155</i>	Catherine Smart-Simpson	
<i>FS176</i>	<i>Charlotte Aitken</i>	
<i>FS228</i>	<i>Cheryl Gallagher</i>	
S663	Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd	
S558	Chris & Jan Coll	
S566	Chris J Coll Surveying Limited	
<i>FS238</i>	<i>Chris Lowe</i>	
S506	Claire & John West	
S444	Clare Backes	
S96	Craig Schwitzer	
<i>FS192</i>	<i>Danielle O'Toole</i>	
<i>FS189</i>	<i>Dave Webster</i>	
S65	David Moore	
<i>FS154</i>	<i>Davis Ogilvie & Partners Ltd</i>	
S570	Dean Van Mierlo	
S319	Delwyn Broadbent	
S532	Denis and Wendy Cadigan	
S602 <i>FS122</i>	Department of Conservation	
<i>FS180</i>	<i>Desirae Bradshaw</i>	

<i>FS188</i>	<i>Ed Tinomana</i>	
S369	Emi Schroder	
S57	Emilie Schmitthaeusler	
S524	Federated Farmers of New Zealand	Federated Farmers
S342	Fernando Tarango	
S561	Fiona McDonald	
S464	Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited	Foodstuffs
S478	Frank and Jo Dooley	
<i>FS167</i>	<i>Frank Bjerring</i>	
<i>FS235</i>	<i>Frank O'Toole</i>	
<i>FS160</i>	<i>Frans Volckman</i>	
S553 <i>FS223</i>	Frida Inta	
S415	G.E. and C.J. Coates on behalf of Nikau Deer Farm Limited	GE Coates
S407	Gail Dickson	
<i>FS175</i>	<i>Gareth Guglebreten</i>	
<i>FS209</i>	<i>Gary Donaldson</i>	
S563 <i>FS157</i>	Geoff Volckman	
S261	Gerard Nolan	
<i>FS177</i>	<i>Glen Kingan</i>	
S216	Glenn Robinson	
<i>FS47</i>	<i>Gordon D Ferguson</i>	
S571	Greg Maitland	
S608 <i>FS1</i>	Grey District Council	
S514 <i>FS233</i>	Hapuka Landing Limited	
<i>FS178</i>	<i>Hayden Crossman</i>	
<i>FS53</i>	<i>Herenga ā Nuku Aotearoa, Outdoor Access Commission</i>	
S486	Horticulture New Zealand	
S462 <i>FS33</i>	Inger Perkins	
<i>FS184</i>	<i>J & M Syron Farms</i>	
<i>FS172</i>	<i>Jack Simpson</i>	
S228	Jackie and Bart Mathers and Gillman	
<i>FS207</i>	<i>Jackie O'Connor</i>	
<i>FS202</i>	<i>James Dunlop Stevenson</i>	
<i>FS168</i>	<i>Jane Garrett</i>	
S262	Jane Neale	
S467	Jane Whyte & Jeff Page	
S508	Jared Avery	
<i>FS227</i>	<i>Jessie Gallagher</i>	
S213	Joanne and Ken Dixon	

FS226	<i>Jo-Anne Milne</i>	
S565	Joel and Jennifer Watkins	
FS204	<i>Joel Hands</i>	
S290	John Caygill	
S360	John Brazil	
S318	John Helen & Brett Hadland	
FS225	<i>John Milne</i>	
S572	Jon Barltrop	
FS210	<i>Joy Donaldson</i>	
FS125	<i>Karamea Community Incorporated</i>	
S614	Karamea Lime Company	
S591	Karen and Dana Vincent	
S393	Karen Vincent	
S101	Katherine Crick	
S473	Katherine Gilbert	
FS158	<i>Kathleen Beveridge</i>	
FS183	<i>Kelvin Jeff Neighbours</i>	
S442	KiwiRail Holdings Limited	
S509	Kyle Avery	
FS163	<i>Kylie Volckman</i>	
S421	Lara Kelly	
S574	Laura Coll McLaughlin	
S533	Lauren Nyhan Anthony Phillips	
S381	Laurence Rueter	
S507	Leonie Avery	
S505	Lindy Millar	
S320	Lynne Lever & Greg Tinney	
FS229	<i>Margaret Jane Milne</i>	
S446	Margaret Montgomery	
FS77	<i>Marie Elder</i>	
FS186	<i>Marnie Stevenson</i>	
FS182	<i>Marty Syron</i>	
FS162	<i>Maryann Volckman</i>	
FS197	<i>Mat Knudsen</i>	
FS199	<i>Matthew Thomas</i>	
FS159	<i>Maurice Beveridge</i>	
FS208	<i>Maurice Douglas</i>	
FS134	<i>MBD Contracting Limited</i>	

S492	Michael Snowden	
S70	Michael Hill	
FS194	<i>Michael O'Regan</i>	
FS185	<i>Michelle Joy Stevenson</i>	
FS218	<i>Mike Spruce</i>	
S569	Minerals West Coast	
S456	Ministry of Education Te Tāhuhu o Te Mātauranga	
S151	Misato Nomura	
FS203	<i>Murray Aitken</i>	
FS156	<i>Nathan Simpson</i>	
FS195	<i>Neal Gallagher</i>	
S535 FS54	Neil Mouat	
S519	New Zealand Defence Force	
FS124	<i>Oparara Valley Project Trust</i>	
FS206	<i>Patrick John Hands</i>	
S512	Paul Avery	
FS74	<i>Paul Elwell-Sutton</i>	
S615	Peter Langford	
FS205	<i>Peter Hands</i>	
FS200	<i>Philip O'Connor</i>	
FS215	<i>Phoenix Minerals Limited</i>	
FS174	<i>Rachel Shearer</i>	
FS141	<i>Radio New Zealand Limited</i>	RNZ
S305	Raylene Black	
S296	Riarnne Klempel	
S285	Richard Henschel	
S378	Robert Burdekin	
FS50	<i>Robin Alistair Nicholl</i>	
FS173	<i>Roger Gibson</i>	
FS123	<i>Rosalie Sampson</i>	
S560 FS34	Royal Forest and Bird Protection Society of New Zealand Inc.	Forest & Bird
S477	Russell and Joanne Smith	
S150 FS119	Ruth Henschel	
S58	Sander De Vries	
FS211	<i>Selwyn Lowe</i>	
FS191	<i>Shanae Douglas</i>	

<i>FS171</i>	<i>Shaun Rhodes</i>	
<i>FS212</i>	<i>Sheryl Marie Rhind</i>	
S441 <i>FS101</i>	Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	Silver Fern Farms
S619 <i>FS109</i>	Snodgrass Road submitters	
<i>FS187</i>	<i>Sophie Fox</i>	
S516	Steve Croasdale	
S559	Stewart & Catherine Nimmo	
<i>FS213</i>	<i>Stewart James Rhind</i>	
S536	Straterra	
<i>FS179</i>	<i>Susan Waide</i>	
S443	Suzanne Hills	
<i>FS32</i>	<i>Tauranga Bay Holdings Ltd</i>	
S190	Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	Te Mana Ora
S620 <i>FS41</i>	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	Ngāi Tahu
S171	Te Tai o Poutini Plan Committee	
S440	Te Tumu Paeroa - The office of the Māori Trustee	Te Tumu Paeroa
S312	Teresa Wyndham-Smith	
S493 <i>FS104</i>	TiGa Minerals and Metals Limited	
S579	Tim and Phaedra Robins	
S482	Tim Macfarlane	
<i>FS161</i>	<i>Tom Murton</i>	
S343	Tony Schroder	
<i>FS201</i>	<i>Tracy Moss</i>	
S299 <i>FS110</i>	Transpower New Zealand Limited	Transpower
S377	Trevor Hayes	
S447 <i>FS117</i>	Vance & Carol Boyd	
S450 <i>FS62</i>	Waka Kotahi NZ Transport Agency	Waka Kotahi
S275 <i>FS45</i>	West Coast Penguin Trust	
S488	West Coast Regional Council	WCRC
S181	Westland District Council	
S550	Westland Farm Services	
S547 <i>FS222</i>	Westpower Limited	
S567	William McLaughlin	

FS148		
S599 FS231	WMS Group (HQ) Limited and WMS Land Co. Limited	WMS Group

Abbreviations

Abbreviation	Meaning
HCNC	High Coastal Natural Character
NESCF	National Environmental Standard for Commercial Forestry
NPS	National Policy Statement
NPSIB	National Policy Statement for Indigenous Biodiversity
NPSFM	National Policy Statement for Freshwater Management
NZCPS	New Zealand Coastal Policy Statement
OCNC	Outstanding Coastal Natural Character
ONF	Outstanding Natural Feature
ONFL	Outstanding Natural Features and Landscape
ONL	Outstanding Natural Landscape
Planning standards	National Planning Standards
RMA	Resource Management Act
SNA	Significant Natural Area
TTPP	Te Tai o Poutini Plan
WCRC	West Coast Regional Council
WCRCP	West Coast Regional Coastal Plan
WCRLWP	West Coast Regional Land and Water Plan
WCRPS	West Coast Regional Policy Statement

1.0 Purpose of Report

1. This report has been prepared in accordance with Section 42A of the RMA to:
 - assist the Hearings Panel in making their decisions on the submissions and further submissions on the Te Tai o Poutini Plan (TTPP); and
 - provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
2. This report responds to submissions on the Coastal Environment. The report provides the Hearing Panel with a summary and analysis of the submissions received on the Coastal Environment Chapter in Part 2, relevant definitions in Part 1, Schedule 7 High Coastal Natural Character, Schedule 8 Outstanding Natural Character and the associated planning maps which show the extent of the Coastal Environment, and the areas of High and Outstanding Coastal Natural Character.

This report makes recommendations on either retaining the TTPP provisions without amendment or making amendments to the TTPP in response to those submissions.

3. The recommendations are informed by evaluation undertaken by me as the planning author. In preparing this report I have had regard to the following reports:
 - Introduction and General Provisions s42A report that addresses the higher order statutory planning and legal context prepared by myself.
 - Strategic Directions s42A report that addresses the wider strategic direction of the Plan prepared by myself
 - General District Wide Matters s42A report prepared by Briar Belgrave
 - Energy, Infrastructure and Transport s42A report prepared by Grace Forno and Melissa McGrath
 - Natural Character and the Margins of Waterbodies and Activities on the Beds of Rivers and Lakes s42A report prepared by myself
 - Landscape and Natural Features s42A report prepared by myself
 - Ecosystems and Indigenous Biodiversity s42A report prepared by myself
4. The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

2.0 Qualifications and experience.

5. My full name is Lois Margaret Easton, and I am Principal Consultant for Kereru Consultants, an environmental science and planning consultancy engaged by the West Coast Regional Council to support the development of Te Tai o Poutini Plan (TTPP).
6. I hold a Master of Science (Environmental Science and Botany) with first class honors from Auckland University, Auckland which I obtained in 1995.
7. I have 25 years' experience in planning and resource management including 10 years at the Waitakere City Council and five years at the Gisborne District Council. The remaining time I have worked as an environmental and planning consultant primarily providing policy advice to local government and not for profit organisations.
8. My experience involves policy development, writing district plans and regional plans. I have written Section 32 and 42A reports and appeared at hearings for the development of several plans involving matters principally around the natural environment, Māori issues and rezoning of land. I have represented the Waitakere District Council and Gisborne District Council in mediation on appeals and have presented planning evidence to the Environment Court.
9. In recent years I have been involved in the development of TTPP. I have either led or been a member of the planning team who developed the provisions of TTPP and s32 reports in relation to all parts of the plan. In relation to the Coastal Environment topic I was the team lead.

2.1 Code of Conduct

10. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

11. I am authorized to give this evidence on behalf of the Tai o Poutini Plan Committee to the TTPP hearings commissioners (Hearings Panel).

2.2 Conflict of Interest

12. To the best of my knowledge, I have no real or perceived conflict of interest.

2.3 Expert Advice

13. In preparing this report I rely on expert advice from Stephen Brown of Brown Limited Landscape Architects and Bridget Gilbert of Bridget Gilbert Landscape Architecture. The scope of this advice is the full review of the boundaries of the Coastal Environment boundary, the Outstanding Coastal Natural Character areas (OCNCs) and High Coastal Natural Character Areas (HCNCs) undertaken by Stephen Brown and the review of the specific locations where submitters sought changes to the boundaries of the coastal environment, OCNCs and HCNCs undertaken by Bridget Gilbert.
14. The evidence of Bridget Gilbert is attached at Appendix Three of this report.

3.0 Scope of Report and Topic Overview

3.1 Scope of Report

15. This report considers the submissions and further submissions that were received in relation to the Coastal Environment Chapter in Part 2, relevant definitions in Part 1, Schedule 7 High Coastal Natural Character, Schedule 8 Outstanding Natural Character in Part 4 and the associated planning maps which show the extent of the Coastal Environment, and the areas of High and Outstanding Coastal Natural Character.
16. Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. All recommended amendments are shown by way of strikeout and underlining in Appendix 1 of this Report. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where it is considered that an amendment may be appropriate, but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the report. Where no amendments are recommended to a provision, submission points that sought the retention of the provision without amendment are not footnoted.
17. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. A number of alterations have already been made to the TTPP using cl.16(2) and these are documented on the TTPP website. Where a submitter has requested the same or similar changes to the TTPP that fall within the ambit of cl.16(2), then such amendments will continue to be made and documented as cl.16(2) amendments in this s42A report. The assessment of submissions generally follows the following format:

- Submission Information
- Analysis
- Recommendation and Amendments

3.2 Topic Overview

18. The terrestrial component of the coastal environment is the area of land extending from the mean high-water springs mark (MHWS) to the mapped inland extent of the coastal environment boundary. In many locations the coastal environment is extensive – particularly around major coastal dune systems and wetlands, such as those found around the Ōkarito lagoon, Waitaha and Okuru.
19. Three of the four main towns on the West Coast, and many of the smaller settlements are found on the coast, and within the coastal environment. These

areas range from highly modified (eg Greymouth) to lightly developed (eg Ōkarito). Alongside this there are extensive areas, in South Westland in particular, where the coastal environment largely un-modified.

20. The coastal environment is also of substantial cultural importance to Poutini Ngāi Tahu – as a source of mahinga kai, the location of nohoanga, mataitai and a large number of sites and areas of significance to Poutini Ngāi Tahu.
21. The Coastal Environment chapter contains the provisions around the management of the coastal environment with a focus on the management of the impacts of earthworks and buildings on the coastal environment with a strong focus on the natural character of the coastal environment. This chapter recognises that the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development is a matter of national importance. However there are other significant values within the coastal environment which are also matters of national importance – outstanding natural landscapes and features, significant indigenous vegetation and significant indigenous fauna habitat, public access to the coastal marine area, the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, the protection of historic heritage and management of the significant risks of natural hazards. Therefore it is critical that the coastal environment provisions are read within the overall context of the wider Part 2 of Te Tai o Poutini Plan. In particular, indigenous vegetation clearance within the coastal environment is addressed within the Ecosystems and Indigenous Biodiversity chapter of the plan.
22. The proposed Coastal Environment chapter is strongly directed by the need to give effect to both the New Zealand Coastal Policy Statement (NZCPS) and the West Coast Regional Policy Statement (WCRPS). These documents recognise the very special nature of the coastal environment of the West Coast, as well as recognising that due to the geography of the West Coast, the overwhelming majority of development, including the towns of Westport, Greymouth and Hokitika, is located within or adjacent to the coastal environment.
23. The Coastal Environment chapter seeks to manage the effects of activities on the mosaic of values within the coastal environment. It includes:
 - Three objectives which aim to preserve the values of the coastal environment while enabling social, economic and cultural wellbeing
 - Eight policies that provide the basis for the identification of the coastal environment overlay, identify where the key natural values are located, and how activities will be provided for that do not degrade these values. These policies recognise there are some activities that are already located within the coastal environment or have a functional need for such a location.
 - Rules that manage activities that could impact on the values of the coastal environment and put in place a consent regime to consider the appropriateness of activities.
 - Permitted Activities that recognise that much of urban Greymouth, Westport and Hokitika are within the coastal environment, and that there are also a wide range of lawfully established activities
 - Provision for permitted activities in areas of high and outstanding natural character where these are small scale, low risk or necessary activities.
 - Schedules 7 and 8 which identify and describe the High and Outstanding Coastal Natural Character areas of the West Coast.
 - Planning maps showing the extent of scheduled High and Outstanding Coastal Natural Character areas and the Coastal Environment.

3.3 Strategic Direction

24. The strategic importance of the coastal environment and coastal natural character values to the West Coast is recognised in the proposed TTPP strategic direction for the Natural Environment. Specifically, the role that native vegetation and landscapes plays in the character and identity of the West Coast and Poutini Ngāi Tahu's cultural and spiritual values is identified. The strategic direction also

recognises the need to provide for the ability of Poutini Ngāi Tahu to exercise kaitiakitanga and tino rangatiratanga. It also acknowledges the need for infrastructure in some circumstances to be located in significant areas.

4.0 Statutory Requirements.

25. As set out in the Section 32 and Section 42A Overview Reports, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of TTPP. These documents are discussed in more detail within this report where relevant to the assessment of submission points.
26. The assessment of submission points is made in the context of the Section 32 reports already undertaken with respect to this topic, being:
 - Overview and Strategic Directions
 - Natural Environment Values – Coastal Environment – Activities on the Surface of Waterbodies

4.1 Resource Management Act

27. TTPP must be prepared in accordance with the functions of a district council under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA. It must also give effect to any national policy statement, the New Zealand Coastal Policy Statement (NZCPS), national planning standards, any regulations and the West Coast Regional Policy Statement (WCRPS). Regard is also to be given to any regional plan, district plans of adjacent territorial authorities, and the Iwi Management Plans.
28. In addition there is also a Mana Whakahono a Rohe agreement which is in place between the West Coast Regional Council and Poutini Ngāi Tahu.
29. In the case of the Coastal Environment Topic, the Resource Management Act provides significant direction.
30. Section 6 of the RMA identifies several relevant Matters of National Importance that TTPP must recognise and provide for that provide specific direction to this topic:
 - (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development*
 - (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development*
 - (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*
 - (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

31. Alongside this the Section 7 “other matters” (a) – (j) that particular regard must be had to and Section 8 are also relevant.
32. Section 31(1)(b)(iii) RMA sets out that, in giving effect to the Act, a function of territorial authorities is to control any actual or potential effects of the use, development, or protection of land for the purpose of maintaining indigenous biological diversity.

4.2 New Zealand Coastal Policy Statement

33. Under section 75(3)(b) of the RMA, the District Plan must give effect to any New Zealand Coastal Policy Statement (NZCPS). The New Zealand Coastal Policy Statement (NZCPS) came into force in 2010. The objectives and policies in the NZCPS closely reflect the Council’s obligations under s5 and s6 of the RMA. The NZCPS recognises the need to balance preservation and protection with enabling

- people to undertake land uses and development for economic, cultural and social reasons. However, activities need to be appropriately located and managed, recognising that some activities can only be located in the coastal environment.
34. Policy 1 of the NZCPS sets out how the extent of the Coastal Environment is determined, while recognising that this will vary from region to region and locality to locality due to the high variability of coastal characteristics and values. This has provided the basis upon which the coastal environment of the West Coast/Te Tai o Poutini has been defined.
 35. Policy 2 provides guidance on implementing district council obligations under the Treaty of Waitangi.
 36. Policy 4 acknowledges the need for the integrated management of the boundary between the land component of the coastal environment and the Coastal Marine Area (CMA).
 37. Other policies
 - direct that a precautionary approach should be adopted when considering activities whose effects may be uncertain, unknown or little understood but potentially significantly adverse.
 - advocate for the integrated management of the coastal environment (i.e. working with DOC and WCRC).
 - seek to manage the potential effects of built development, whilst recognising the need for public open space and walking access.
 - seek the effective management of hazard risk, protecting indigenous biological diversity and natural features and landscapes and preserving and restoring natural character.
 38. TTPP must give effect to the NZCPS as it applies to the landward portion of the coastal environment. It is noted that in parts of the coastal environment of the West Coast/Te Tai o Poutini there is currently very little development, and therefore it is considered that Policies 13, 14 and 15 of the NZCPS will be of particular relevance in those locations. In brief, these seek to:
 - preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development;
 - promote restoration or rehabilitation of the natural environment of the coastal environment;
 - protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development, respectively.
 39. Other policies in the NZCPS have been considered in the relevant topics e.g. Policy 17 - protecting historic heritage in the coastal environment from inappropriate subdivision, use and development.

4.3 National Policy Statement for Indigenous Biodiversity 2023

40. The National Policy Statement for Indigenous Biodiversity was gazetted on 7 July 2023 and came into force on 4 August 2023. Although TTPP was prepared before the NPSIB was gazetted it is now required to give effect to this NPS.
41. Consistent with the core function of regional councils and territorial authorities under sections 30(1)(ga) and 30(1)(b)(iii) of the RMA to maintain indigenous biodiversity, the objective of the NPS-IB is to protect, maintain and restore indigenous biodiversity in a way that:
 - a. recognises tangata whenua as kaitiaki, and people and communities as stewards, of indigenous biodiversity; and
 - b. provides for the social, economic and cultural wellbeing of people and communities, now and into the future
42. The NPS-IB contains provisions which require:
 - the consistent and comprehensive identification of SNAs
 - landowners to be recognised as stewards, and tangata whenua as kaitiaki, of indigenous biodiversity

- a nationally clear and consistent approach for managing and protecting indigenous biodiversity, which provides certainty and supports landowners' efforts to protect indigenous biodiversity
 - a management approach for protecting SNAs focussed on managing the adverse effects of new subdivision, use and development
 - existing uses to be provided for, where appropriate
 - a consenting pathway for specific new uses where effects on indigenous biodiversity can be managed
43. The NPSIB does not apply to the development, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities.
44. The NPSIB also identifies that where there is a conflict between it and the NZCPS, the NZCPS takes precedence.

4.4 National Policy Statement – Renewable Electricity Generation and National Policy Statement Electricity Transmission

45. The National Policy Statement on Renewable Electricity Generation sets out the objectives and policies for managing renewable electricity generation, and the National Policy Statement on Electricity Transmission sets out the objectives and policies for managing electricity transmission. Both documents must be given effect to through district and regional planning documents. TTPP gives effect to these documents primarily through the Energy, Infrastructure and Transport Chapter however there is cross referencing throughout the plan to other chapters as required, including Coastal Environment.

4.5 National Environmental Standard for Commercial Forestry

46. The National Environmental Standard for Commercial Forestry (previously plantation forestry) came into force from 1 May 2018 and puts in place standards for new and renewing forestry activities. This has implications for SNAs as it specifies that the activity status for new plantation forestry within a SNA shall be a restricted discretionary activity.
47. This also has implications for landscape areas as it sets out the activity status for forestry in ONL (restricted discretionary).
48. It does however enable a district plan to apply more stringent rules to protect SNAs, ONLs and areas of outstanding and high natural coastal natural character.

4.6 National Planning Standards

49. The following aspects of the National Planning Standards are relevant to this topic / issue:
- The District Plan Structure Standard is relevant to this topic as it is a requirement to have a General District Wide Matters section within which there is a chapter that addresses the coastal environment (if the district has a coastline). There is also a requirement to identify the coastal environment and areas of outstanding and high natural character and, include objectives, policies and methods, including rules (if any) that will ensure the life supporting capacity of these systems are safeguarded as well as objectives, policies and methods, including rules (if any) that will manage the effect of activities in the coastal environment.
 - The coastal environment and areas of OCNC and HCNC are to be identified as overlays on the planning maps as required for areas that have been spatially identified following a West Coast/Te Tai o Poutini wide assessment and have been determined to have distinctive values and be subject to environmental risks and factors that require management in a different manner from the underlying zone provisions.

4.7 Procedural Matters

50. At the time of writing this s42A report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

5.0 Consideration of Submissions Received

5.1 Overview of Submissions Received

51. A total of 1223 submissions points and 321 further submissions points were received on the Coastal Environment topic.
52. Within this 132 submissions points and 4 further submissions points were received on Schedules 7 and 8 and 81 submissions points and 154 further submissions points were received on the mapping of OCNCs, HCNCs and the Coastal Environment.
53. Common themes in respect of the submissions in opposition were:
- A desire from some submitters for the provisions to provide for more permitted activities with less stringency of standards
 - A desire from some submitters for fewer permitted and controlled activities and overall a much more protective framework
 - A range of views on infrastructure earthworks and structures with some submitters wanting more and others wanting less stringency
 - Some submitters seeking specific and less onerous rules for mineral prospecting, exploration and extraction.
 - Support and opposition to Schedules 7 and 8
 - Specific submissions on the extent of some HCNCs in Schedule 7
 - Specific submissions on the extent of the coastal environment.

5.2 Structure of this Report

54. The structure of this report is that firstly general submissions on the whole chapter, where a submission has raised an issue that does not relate to a proposed objective, policy or rule, or overarching submissions and those on the overview statements are dealt with first. Secondly the submissions on Objectives and Policies are addressed. Then the submissions on key rule topics are addressed. Then remaining submissions are addressed in rule order as listed in TTPP. Finally, the submissions on the schedules and mapping of these are addressed.

6.0 Submissions on Definitions

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
General Coastal Environment Area Definition			
Westpower Limited (S547)	S547.012	Amend	Clarify the definition of urban area

Westpower Limited (S547)	S547.013	Amend	Amend the description and add an advice note to Coastal Environment Chapter and relevant zone provisions to advise, Advice Note: The coastal environment overlay does not apply in the Urban Area or Zone as defined in this plan. (note: if the "urban area" is intended to be different to the "urban zone" then clarification is required for the advice note.)
Grey District Council (FS1)	FS1.354	Support	Allow
Westpower Limited (S547)	S547.014	Amend	Amend maps to remove urban areas from the coastal environment overlay
West Coast Penguin Trust (FS45)	FS45.12	Oppose	Disallow
Grey District Council (S608)	S608.004	Amend	Amend the Coastal Environment overlay to be consistent with this description
Definition of Coastal Environment			
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.059	Amend	Amend the definition to "mean those areas described in Policy 1 of the NZCPS landward of the CMA and as shown on the Planning maps".
Buller District Council (FS149)	FS149.059	Oppose in part	Allow in part
Buller District Council (S149)	FS149.060	Oppose in part	Disallow in part
Westpower Limited (FS222)	FS222.0212	Oppose	Disallow
West Coast Penguin Trust (FS45)	FS45.13	Support	Allow
New definitions			
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.414	Amend	Consider including the WCRPS definition for "Significant indigenous biological diversity" for use in the CE Chapter with respect to the coastal environment and Policy 11 of the NZCPS.

Analysis

55. There were four submissions received on the General Coastal Environment Area which is not defined and is referred to only within the Relationships between spatial layers section of the Plan. The area was a concept originally included in the draft Plan, but was ultimately discarded as it made the rule provisions too complex. The submitters seek that the concept be retained and that urban areas be more clearly excluded from the provisions. I support these submissions in part. The reference to the General Coastal Environment Area should be removed from the Plan as a Clause 16 amendment as no submissions have sought this, but I agree the provisions should more simply exclude urban areas from the restrictions on structures and earthworks. I will discuss this more in relation to the mapped extent of the coastal environment in Section 15 of this report.
56. Forest and Bird (S560.059) seek that the definition of coastal environment should be amended to "mean those areas described in Policy 1 of the NZCPS landward of the

CMA and as shown on the Planning maps". The proposed Plan definition is "means the area identified on the Te Tai o Poutini Plan maps as Coastal Environment". I do not support the submission. As I discuss in relation to the mapping of the coastal environment, I recommend that urban parts of Hokitika, Westport and Greymouth which have been identified as part of the coastal environment under a Policy 1 NZCPS assessment are not shown on the planning maps, as these areas are not regulated by the Plan. Therefore the suggested change from Forest and Bird would be incorrect.

57. Forest and Bird (S560.414) seek that the WCRPS definition of "significant indigenous biological diversity" be added to the Plan and used within this chapter. I do not support this submission. Matters in relation to indigenous biodiversity are covered in the ecosystems and biodiversity chapter and I do not consider should be duplicated within the coastal environment provisions. I have considered appropriate definitions around indigenous biodiversity in the s42A report for that chapter and do not see the value of introducing another definition.

Recommendations

58. That the reference to the General Coastal Environment Area is removed from the Plan.
59. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

7.0 Submissions on the Coastal Environment Chapter as a Whole and the Overview

7.1 Submissions on the Coastal Environment Chapter as a Whole

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
G.E. and C.J. Coates on behalf of Nikau Deer Farm Limited (S415)	S415.008	Oppose	Remove this section until adequate analysis has been done as layed out in Section 32. These areas have not been correctly identified. They need to be redone correctly. The private information gathered is to be kept private (Central Government required to find a solution to this).
Robin Alistair Nicholl (FS50)	FS50.002	Support	Allow
Buller Conservation Group (S552)	S552.126	Oppose	'Coastal Environment' should be in the Natural Environment Values chapter
Buller Conservation Group (S552)	S552.012	Amend	Move Section to Natural Environment Values
Frida Inta (S553)	S553.012	Amend	Move Section to Natural Environment Values
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.002	Amend	Ensure provisions align with NZCPS.
TiGa Minerals and Metals Limited (FS104)	FS104.060	Oppose	Disallow
Birchfields Ross Ltd (FS150)	FS150.034	Oppose	Disallow
Phoenix Minerals Limited (FS215)	FS215.035	Oppose	Disallow

<i>Westpower Limited (FS222)</i>	<i>FS222.0276</i>	<i>Oppose</i>	<i>Disallow</i>
John Caygill (S290)	S290.006	Amend	Amend the definition of the Coastal Environment throughout the plan to be consistent with the NZCPS1 and the RPS.
Riarnne Klempel (S296)	S296.006	Amend	Amend the plan to consider policy 11,12,13,14,15 and 17 in the New Zealand coastal policy statement.
Department of Conservation (S602)	S602.140	Oppose	Zone offshore islands and map these within the coastal environment.
Department of Conservation (S602)	S602.166	Neutral	NA
Grey District Council (S608)	S608.080	Amend	Remove all references to "Site or Area of Significance to Māori" in the Chapter
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (FS41)</i>	<i>FS41.021</i>	<i>Oppose</i>	<i>Disallow</i>
Westpower Limited (S547)	S547.0509	Support	(1) Ensure identification of outstanding natural features, landscapes character (including high natural character) appropriately recognise and provide for the existing energy activities and infrastructure located within them. (2) Ensure provisions adequately recognise the importance of these activities and infrastructure to the community and the environment within which they must locate or traverse. This includes providing for the maintenance and enhancement of the generation and supply of renewable energy, including new activities, to enable communities.
Westpower Limited (S547)	S547.404	Amend	Ensure identification of outstanding natural features, landscapes character (including high natural character) appropriately recognise and provide for the existing energy activities and infrastructure located within them.
Westpower Limited (S547)	S547.405	Amend	Ensure provisions adequately recognise the importance of these activities and infrastructure to the community and the environment within which they must locate or traverse. This includes providing for the maintenance and enhancement of the generation and supply of renewable energy, including new activities, to enable communities.

Analysis

60. GE Coates (S415.008) seeks that this chapter is removed from the Plan. They do not consider that these areas have been correctly identified. I do not support this submission. The NZCPS requires district plans to manage the coastal environment and sets out the framework for its identification. It, and the WCRPS set out requirements for the management of the coastal environment, natural character and other values within it. Therefore TTPP is required to address this matter.
61. In terms of identifying the extent of the coastal environment, Policy 1 of the NZCPS sets out how this is to be defined. A landscape and natural character assessment was undertaken by Brown Ltd Landscape Architects to identify the extent of the coastal environment, and where there are areas of High and Outstanding Coastal Natural Character in 2013. This work was partially reviewed and refined ahead of notification of the Plan. A further, comprehensive review has been undertaken by Brown Ltd, and Ms Gilbert has also reviewed this further. These reviews have informed my recommendations in Section 15 of this report on the coastal environment boundary. I therefore consider that, subject to amendments I recommend in this report, the inclusion of this chapter in the Plan is appropriate.
62. Buller Conservation Group (S552.126, S552.012) and Frida Inta (S553.012) seek that the Coastal Environment chapter should be located in the Natural Environment Values section. I do not support these submissions. While I agree with the submitter that the logical and sensible location for this chapter is in the Natural Environment Values section of the Plan, the National Planning Standards specifically require that this chapter be located in General District Wide Matters.
63. Forest and Bird (S560.002), John Caygill (S290.006) and Riarnne Klempel (S296.006) seek that the provisions align with the NZCPS. I support these submissions in that TTPP is required to give effect to the NZCPS. I discuss the direction in the NZCPS in relation to specific submissions points on the objectives, policies, rules and mapping, therefore I do not propose any specific relief as a result of these submissions points.
64. Department of Conservation (S602.140) seeks that the offshore islands be zoned and included within the coastal environment. I support this submission. The omission of the offshore islands (e.g. Open Bay Islands in South Westland, Seal Island at Fox River) from the maps is a mapping error. I consider all of these islands should be zoned Open Space Zone and included within the coastal environment. The Open Bay Islands have also been identified as an area of Outstanding Coastal Natural Character (NCA12) and are listed as such in Schedule 8, but not shown on the maps. I therefore recommend that this mapping error be corrected and the Open Bay Islands are mapped as Outstanding Coastal Natural Character.
65. Grey District Council (S608.080) seek that all references to Sites and Areas of Significance to Māori are deleted from the chapter. I do not support this submission for the reasons I have outlined in previous s42A reports and as discussed in detail in the Sites and Areas of Significance to Māori s42A report.
66. Westpower (S547.0509, S547.404, S547.405) seek that the identification of outstanding natural features, landscapes character (including high natural character) appropriately recognise and provide for the existing energy activities and infrastructure located within them and that the associated provisions adequately recognise the importance of these activities and infrastructure to the community and the environment within which they must locate or traverse. This includes providing for the maintenance and enhancement of the generation and supply of renewable energy, including new activities, to enable communities. I support this submission in that I consider that existing energy activities and infrastructure are appropriately recognised and provided for, subject to the amendments that I propose in relation to specific provisions within this s42A report. I therefore do not propose any specific relief in response to these submissions points.

Recommendations

67. That the offshore islands are shown on the planning maps, are zoned Open Space Zone and included within the Coastal Environment.

68. That the Open Bay Islands (NCA12) are shown on the maps as Outstanding Coastal Natural Character.
69. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

7.2 Submissions on the Overview

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Waka Kotahi NZ Transport Agency (S450)	S450.145	Support	Retain Overview as proposed.
West Coast Penguin Trust (S275)	S275.006, S275.015	Amend	Add the following to the end of the Overview section: The objectives, policies and rules in relation to clearance of indigenous vegetation <u>or other vegetation where it provides habitat for indigenous species</u> in the coastal environment are located in the ECO - Ecosystems and Biodiversity Chapter.
<i>Inger Perkins (FS33)</i>	<i>FS33.28</i>	<i>Support</i>	<i>Allow</i>
WMS Group (HQ) Limited and WMS Land Co. Limited (S599)	S599.073	Amend	Amend the overview as follows: The narrow strip of land between the mountains and the sea in the West Coast/Te Tai o Poutini means that most of the community lives on or near the coast – with three of the four major towns and many small settlements being located on or near the coast. <u>A significant proportion of activities also occur within the coastal environment, some have a functional or operational need to occur there, and the coastal environment is therefore vital to providing for the economic well-being of the region.</u>
<i>Grey District Council (FS1)</i>	<i>FS1.243</i>	<i>Support</i>	<i>Allow</i>

Westpower Limited (S547)	S547.406	Amend	Add a new paragraph 2: <u>Development, Energy Activities and Infrastructure</u> Given the topography of the West Coast a significant level of development, including energy activities and infrastructure, occurs in and through the coastal environment. These activities are important and integral components in ensuring resilience, and enabling the social, cultural and economic wellbeing, of communities throughout the West Coast. As well as the spatial location of communities there is a requirement to recognise the network of communities and the linkages between them in managing activities within the coastal environment as a whole. Both national policies, ie NZCPS and NPSREG, and regional policies, ie RPS, recognise the need for activities, including energy activities and infrastructure, to be undertaken within or through the coastal environment. The plan must appropriately provide for activities taking in to account the topography, conditions, existing and required activities and development and values present in the coastal environment.
Grey District Council (FS1)	FS1.360	Support	Allow
Westpower Limited (S547)	S547.407	Amend	Add references to Strategic Objectives and Policies as per previous chapters.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.277	Amend	Amend the CE-Overview to clarify the approach taken to mapping the coastal environment with reference to the Planning map overlay. If that overlay is updated as sought in this submission to fully identify the extent of CE consistent with Policy 1 of the NZCPS then reference to the maps can be relied on. However, if that identification of extent has not been included then reference to coastal areas meeting Policy 1 of the NZCPS should be included in the overview explanation.
Inger Perkins (FS33)	FS33.29	Support	Allow
West Coast Penguin Trust (FS45)	FS45.15	Support	Allow
West Coast Penguin Trust (FS45)	FS45.37	Support	Allow

Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.529	Amend	Amend the overview to clearly set out how Policy 11 is given effect to in the Plan and explain the relationship between vegetation clearance and the policy 13 and 15 matters addressed in the CE chapter.
<i>Westpower Limited (FS222)</i>	<i>FS222.0278</i>	<i>Oppose</i>	<i>Disallow</i>
Department of Conservation (S602)	S602.137	Amend	Amend Paragraph 3: Approach to managing the coastal environment Te Tai o Poutini Plan must give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS), which requires a strategic approach to managing development on the West Coast/Te Tai o Poutini. Te Tai o Poutini Plan achieves this by identifying and mapping a Coastal Environment overlay that recognises the extent and characteristics of the coastal environment where coastal natural character and coastal processes (including coastal erosion), influences or qualities are significant. Within this coastal environment overlay, <u>adverse effects on the coastal environment are appropriately managed through Te Tai o Poutini Plan rules, and close collaboration with other bodies and agencies with functions relevant to the coastal environment is required.</u>

Analysis

70. Waka Kotahi (S450.145) support the overview. This support is noted.
71. West Coast Penguin Trust (S275.006, S275.015) seek that the reference to the ecosystems and biodiversity chapter be amended to state that provisions that relate to "other vegetation where it provides habitat for indigenous species" are also addressed in this chapter. The ecosystems and biodiversity chapter does not include provisions for non-indigenous vegetation. Therefore this statement is incorrect. I therefore do not support this submission.
72. WMS Group (S599.073) seeks the addition of text in the overview that identifies that there are a significant range of activities within the coastal environment, and that some have a functional or operational need to locate there. Westpower Limited (S547.406) seeks the addition of a new paragraph 2 which outlines in detail information that development, energy activities and infrastructure occur in and through the coastal environment. I support these submissions in part in that I consider there is some useful additional contextual information to include within the Overview, although I propose amendments to the wording to combine the matters addressed by both these submitters and recommend the following additions to the Overview.

The narrow strip of land between the mountains and the sea in the West Coast/Te Tai o Poutini means that most of the community lives on or near the coast - with three of the four major towns and many small settlements being located on or near the coast. In parts of the coastal environment a significant level of development,

infrastructure and other activities occur, including where these have a functional or operational need to locate in the coastal environment. Many of these activities are integral components in ensuring resilience, and enabling the social, cultural and economic wellbeing of communities throughout the West Coast.

73. Westpower Limited (S547.407) seek a reference to the strategic objectives and policies in the "Other Poutini Ngāi Tahu Provisions" section of the overview. I support this submission as this is a useful cross reference.
74. Forest and Bird (S560.277) seek that the overview is amended to clarify the approach taken to mapping the coastal environment with reference to the Planning map overlay. I note that the methodology used to define the extent of the coastal environment, in accordance with Policy 1, is discussed in detail in the report of Brown Ltd Landscape Architects "West Coast Landscape and Natural Character Study 2012 and 2013: Explanation of Assessment Methodologies" - located in the technical reports online at <https://tppp.nz/wp-content/uploads/2022/01/West-Coast-Region-ONL-Natural-Character-Assessment-Report-2021.pdf>
75. I do not recommend repeating all of that information in the Overview, however I support this submission in part as I consider some explanation would be useful. I propose the following amendment and text for inclusion in the Overview:

Approach to managing the coastal environment

Te Tai o Poutini Plan must give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS), which requires a strategic approach to managing development on the West Coast/Te Tai o Poutini. Te Tai o Poutini Plan achieves this by identifying and mapping a Coastal Environment overlay on the planning maps that recognises the landward extent and characteristics of the coastal environment where coastal natural character and coastal processes (including coastal erosion), influences or qualities are significant. This extent was determined with reference to Policy 1 of the New Zealand Coastal Policy Statement (2010). Within this coastal environment areas of High Coastal Natural Character (HCNC), Outstanding Coastal Natural Character (OCNC) and Outstanding Natural Landscapes (ONLs) within the Coastal Environment are also identified and mapped as overlays in the Plan. Within this coastal environment close collaboration with other bodies and agencies with functions relevant to the coastal environment is required.

76. Forest and Bird (S560.529) seek that the overview is amended to clearly set out how Policy 11 (of the NZCPS) is given effect to and explain the relationship between vegetation clearance and the policy 13 and 15 matters addressed in the CE chapter. I support this submission in part. I do not consider that it is the role of the Overview to provide explanation of how policy is interpreted. Policy 11 relates to indigenous biodiversity and is principally implemented through the Ecosystems and Biodiversity Chapter. I recommend the addition of the following text within the Overview to address this relationship.

The NZCPS also requires a high level of protective management of indigenous biodiversity in the coastal environment. Provisions for indigenous vegetation and biodiversity management within the coastal environment are located in the Ecosystems and Biodiversity Chapter.

77. Department of Conservation (S602.137) seek that paragraph 3 is amended to specifically statement that adverse effects on the coastal environment are appropriately managed through Te Tai o Poutini Plan rules. I do not support this submission as I consider this is an unnecessary addition to the overview of the section.

Recommendations

78. That the following amendments are made to the Overview section of the Coastal Environment Chapter:

Overview

...

Approach to managing the coastal environment

Te Tai o Poutini Plan must give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS), which requires a strategic approach to managing development on the West Coast/Te Tai o Poutini. Te Tai o Poutini Plan achieves this by identifying and mapping a Coastal Environment overlay on the planning maps that recognises the landward extent and characteristics of the coastal environment where coastal natural character and coastal processes (including coastal erosion), influences or qualities are significant. This extent was determined with reference to Policy 1 of the New Zealand Coastal Policy Statement (2010). Within this coastal environment areas of High Coastal Natural Character (HCNC), Outstanding Coastal Natural Character (OCNC) and Outstanding Natural Landscapes (ONLs) within the Coastal Environment are also identified and mapped as overlays in the Plan. The NZCPS also requires a high level of protective management of indigenous biodiversity in the coastal environment. Provisions for indigenous vegetation and biodiversity management within the coastal environment are located in the Ecosystems and Biodiversity Chapter. Within this coastal environment close collaboration with other bodies and agencies with functions relevant to the coastal environment is required.

...

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter and the underlying zone chapter, a number of Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities within the coastal environment, including:

- **Strategic objectives and policies** – The strategic objectives and policies sets out the overarching direction for Te Tai o Poutini Plan as expressed through Strategic Directions.

79. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

8.0 Submissions on the Objectives

8.1 Submissions on the Objectives as a Whole

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Inger Perkins (S462)	S462.020	Amend	Include Objective CE-04 which provides a proactive and comprehensive approach to mitigation and reduction of the effects of climate change. "
Buller District Council (S538)	S538.285	Support	Retain as notified. Objectives CE-O1 - O3; Policies CE-P1 - P8
Westland District Council (S181)	S181.025	Support	Retain the objectives and policies
Avery Brothers (S609)	S609.077	Support	Retain

Analysis

80. Three submitters support the objectives. This support is noted.
81. Inger Perkins (S462.020) seeks the addition of a new objective which provides a proactive and comprehensive approach to mitigation and reduction of the effects of climate change. I do not support this submission. I have recommended the addition of new strategic objectives around climate change in the Strategic Direction s42A report and I consider this is the appropriate location for objectives on this issue. The focus of the coastal environment chapter is implementing the requirements of the NZCPS and the WCRPS. In terms of NZCPS direction on climate change this is included within:
- Objective 4 as relates to public access –this is addressed in the public access chapter;
 - Objective 5 as relates to coastal hazards – this is addressed in the natural hazards chapter
82. Policies 3 (Precautionary approach) , 4 (Integration), 10, 18 (Open space), 24 (Identification of coastal hazards) and 27 (managing coastal hazard risk) also reference climate change in relation to specific matters, and I do not consider they need to be included within a specific objective in this chapter.

Recommendations

83. That no amendments to the Plan are made as a result of these submissions.
84. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

8.2 Submissions on Objective CE – O1

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Craig Schwitzer (S96)	S96.013	Support	Retain this part of the plan
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.468	Support	Retain objective.
Transpower New Zealand Limited (S299)	S299.061	Support	Retain this objective

John Brazil (S360)	S360.027	Support	Retain as notified
Birchfield Ross Mining Limited (S604)	S604.049	Support	Retain as notified.
Karamea Lime Company (S614)	S614.085	Support	Retain
Peter Langford (S615)	S615.085	Support	Retain
Snodgrass Road submitters (S619)	S619.038	Support	Retain provision.
Russell and Joanne Smith (S477)	S477.010	Support	Retain as notified
Tim Macfarlane (S482)	S482.010	Support	Retain as notified
TiGa Minerals and Metals Limited (S493)	S493.070	Support	Retain as notified.
Claire & John West (S506)	S506.010	Support	Retain as notified
Leonie Avery (S507)	S507.084	Support	Retain as notified.
Jared Avery (S508)	S508.084	Support	Retain as notified.
Kyle Avery (S509)	S509.084	Support	Retain as notified.
Avery Bros (S510)	S510.084	Support	Retain as notified.
Bradshaw Farms (S511)	S511.084	Support	Retain as notified.
Paul Avery (S512)	S512.084	Support	Retain as notified.
Brett Avery	S513.084	Support	Retain as notified.
Steve Croasdale (S516)	S516.065	Support	Retain
Federated Farmers of New Zealand (S524)	S524.086	Support	Retain as notified.
Lauren Nyhan Anthony Phillips (S533)	S533.010	Support	Retain as notified
Neil Mouat (S535)	S535.034	Support	Retain as notified.
<i>Neil Mouat (FS54)</i>	<i>FS54.1</i>	<i>Support</i>	<i>Allow</i>
Laura Coll McLaughlin (S574)	S574.278	Support	Retain
Tim and Phaedra Robins (S579)	S579.017	Support	Retain
Westland Farm Services (S550)	S550.004	Support	Retain
WMS Group (HQ) Limited and WMS Land Co. Limited (S599)	S599.074	Support	Retain as notified.
Birchfield Coal Mines Ltd (S601)	S601.054	Support	Retain as notified.
Chris & Jan Coll (S558)	S558.278	Support	Retain
Stewart & Catherine Nimmo (S559)	S559.010	Support	Retain as notified
Geoff Volckman (S563)	S563.057	Support	Retain
Catherine Smart-Simpson (S564)	S564.063	Support	Retain
Joel and Jennifer Watkins (S565)	S565.017	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.278	Support	Retain
William McLaughlin (S567)	S567.343	Support	Retain

Buller Conservation Group (S552)	S552.127	Amend	separate into 2 objectives
Frida Inta (S553)	S553.127	Amend	separate into 2 objectives
Westpower Limited (S547)	S547.408	Amend	Amend: To; a) <u>Protect indigenous biological diversity;</u> b) <u>Preserve natural character, and protect it from inappropriate subdivision, use and development;</u> and c) <u>Protect natural features and natural landscapes from inappropriate subdivision, use and development.</u>
Westpower Limited (S547)	S547.409	Amend	Add a new CE-10A: <u>Provide for appropriate subdivision, use and development in the coastal environment to enable people and communities to maintain or enhance their economic, social and cultural wellbeing.</u>
Straterra (S536)	S536.064	Amend	Replace "preserve" with "protect".
Minerals West Coast (S569)	S569.014	Amend	Delete term preserve
Department of Conservation (S602)	S602.141	Amend	Amend: To preserve the natural character, landscapes and biodiversity of the coastal environment, <u>and protect these values from inappropriate subdivision, use and development,</u> while enabling people and communities to provide for their social, economic and cultural wellbeing in a manner appropriate for the coastal environment.
<i>TiGa Minerals and Metals Limited (FS104)</i>	<i>FS104.046</i>	<i>Oppose</i>	<i>Disallow</i>
<i>WMS Group (HQ) Limited and WMS Land Co. Limited (FS231)</i>	<i>FS231.049</i>	<i>Oppose</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.278	Amend	Amend: "To preserve the natural character, landscapes and biodiversity of the coastal environment while enabling people and communities to provide for their social, economic and cultural wellbeing in a manner appropriate for the coastal environment. "
<i>Silver Fern Farms Limited (FS101)</i>	<i>FS101.018</i>	<i>Oppose</i>	<i>Disallow</i>
<i>TiGa Minerals and Metals Limited (FS104)</i>	<i>FS104.045</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Bathurst Resources Limited and BT Mining Limited (FS89)</i>	<i>FS89.073</i>	<i>Oppose</i>	<i>Disallow</i>
<i>WMS Group (HQ) Limited and WMS Land Co. Limited (FS231)</i>	<i>FS231.048</i>	<i>Oppose</i>	<i>Disallow</i>

Inger Perkins (S462)	S462.019	Support	Expand the objective to consider both current and future needs of people and communities in accordance with sustainable development principles.
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Analysis

85. Thirty six submitters support this objective. This support is noted.
86. Department of Conservation (S602.141) seek that the phrase "and protect these values from inappropriate subdivision, use and development" be included within the objective. I support this submission as I consider the wording proposed better gives effect to the direction in the RMA and the NZCPS.
87. Buller Conservation Group (S552.127) and Frida Inta (S553.127) seek that the objective is separated into two objectives. I do not support these submissions. I consider that the objective outlines that the management of the coastal environment is a balancing of outcomes, reflecting the realities of the location of development within the coastal environment on the West Coast.
88. Westpower (S547.408) proposed substantial redrafting of the objective to a three part objective relating to indigenous biodiversity, landscape and natural character and to have second objective (S547.409) which addresses subdivision, use and development. I do not support these submissions. These submissions fall within the overall thrust of Westpower's submission that the provisions for indigenous biodiversity in the coastal environment should be located in the coastal environment, rather than ecosystems and indigenous biodiversity chapter. While landscape matters in the coastal environment are dealt with in this chapter, that is because practically the areas of OCNC also fall entirely within the ONL overlay. In terms of splitting the objective into two, as discussed above in relation to the submissions of Buller Conservation Group and Frida Inta, I do not support this.
89. Forest and Bird (S560.278) seek that the phrase "while enabling people and communities to provide for their social, economic and cultural wellbeing in a manner appropriate for the coastal environment" is deleted from the objective. They consider this does not give effect to the NZCPS. I support this submission in part. I consider that the NZCPS does provide for appropriate subdivision, use and development within the coastal environment, and note that the majority of West Coast towns and settlements fall within the coastal environment. I consider the amendment sought by the Department of Conservation, which I have supported, partially addresses the concern of this submitter, and that as part of that amendment deletion of the phrase "in a manner appropriate for the coastal environment" is appropriate, to both avoid duplication and make the objective drafting more concise.
90. Inger Perkins (S462.019) seeks that the objective is expanded to consider both current and future needs of people and communities in accordance with sustainable development principles. I do not support this submission. I consider that the objectives in the coastal environment chapter should be clear and directive with a focus on giving effect to the NZCPS not widened out to more general statements around sustainable development. If they are to be included the more appropriate place for more general "sustainable development" direction is the strategic directions chapter, though I do not propose any amendment to these as a response to this submission.
91. Minerals West Coast (S569.014) and Straterra (S536.064) seek that the word "preserve" be replaced with "protect". I do not support these submissions. This objective speaks to the direction in the NZCPS – Objective 2 seeks to "preserve" the natural character of the coastal environment but it seeks to "protect" natural features and landscape. Objective 1 seeks to "protect" representative and significant biodiversity. I therefore consider that "preserve" is appropriate in this context, but I consider that the addition I have supported from the Department of

Conservation to “protect these values from inappropriate subdivision, use and development” partly addresses these submissions points.

Recommendations

92. That Objective CE – O1 be amended as follows:

To preserve the natural character, landscapes and biodiversity of the coastal environment and protect these values from inappropriate subdivision, use and development while enabling people and communities to provide for their social, economic and cultural wellbeing ~~in a manner appropriate for the coastal environment.~~

93. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

8.3 Submissions on Objective CE – O2

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Craig Schwitzer (S96)	S96.014	Support	Retain this part of the plan
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.469	Support	Retain objective.
John Brazil (S360)	S360.037	Support	Retain as notified.
Leonie Avery (S507)	S507.085	Support	Retain as notified.
Jared Avery (S508)	S508.085	Support	Retain as notified.
Kyle Avery (S509)	S509.085	Support	Retain as notified.
Avery Bros (S510)	S510.085	Support	Retain as notified.
Bradshaw Farms (S511)	S511.085	Support	Retain as notified.
Paul Avery (S512)	S512.085	Support	Retain as notified.
Brett Avery (S513)	S513.085	Support	Retain as notified.
Steve Croasdale (S516)	S516.066	Support	Retain
Federated Farmers of New Zealand (S524)	S524.131	Support	Retain as notified.
Neil Mouat (S535)	S535.035	Support	Retain as notified.
<i>Neil Mouat (FS54)</i>	<i>FS54.2</i>	<i>Support</i>	<i>Allow</i>
Chris & Jan Coll (S558)	S558.279	Amend	Retain
Geoff Volckman(S563)	S563.058	Support	Retain
Catherine Smart-Simpson (S564)	S564.064	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.279	Amend	Retain
William McLaughlin (S567)	S567.344	Amend	Retain
Laura Coll McLaughlin (S574)	S574.279	Amend	Retain
Karamea Lime Company (S614)	S614.086	Support	Retain
Peter Langford (S615)	S615.086	Support	Retain
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te	S620.201	Support	Retain as notified

Runanga o Makaawhio (S620)			
Te Tumu Paeroa - The office of the Māori Trustee (S440)	S440.039	Support in part	The Māori Trustee considers that 'ancestral lands' should be defined in the definitions chapter of the Proposed Plan.

Analysis

94. Twenty two submitters support this objective. This support is noted.
95. Te Tumu Paeroa (S440.039) supports the objective with the proviso that 'ancestral lands' should be defined in the definitions chapter of the Proposed Plan. I do not support this submission. Section 6 of the RMA refers to "ancestral lands" and the Tangata Whenua chapter of the Plan provides information on ancestral lands for Poutini Ngāi Tahu. The term ancestral lands is not used in rules within the Plan, and given the detail provided in the Tangata Whenua chapter I do not consider further defining the term is necessary or appropriate.

Recommendations

96. That no amendments to the Plan are made as a result of these submissions.
97. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

8.3 Submissions on Objective CE – O3

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Craig Schwitzer (S96)	S96.015	Support	Retain this part of the plan
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.470	Support	Retain objective.
Federated Farmers of New Zealand (S524)	S524.132	Support	Retain as notified.
Snodgrass Road submitters (S619)	S619.039	Support	Retain provision
Transpower New Zealand Limited (S299)	S299.062	Amend	Amend CE-O3 as follows: CE-O3 To provide for activities which have a functional need <u>(or operational need in respect of the National Grid)</u> to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features and biodiversity values are minimised
John Brazil (S360)	S360.028	Support in part	Amend as follows: To provide for activities which have a functional, <u>technical, operational or locational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised
Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited (S441)	S441.022	Amend	Amend as follows: To provide for activities which have a functional need <u>and/or an operational need</u> to locate in the coastal environment in such a way that the impacts on natural character,

			landscape, natural features, access and biodiversity values are minimised.
<i>Royal Forest & Bird Protection Society of NZ Inc. (Forest & Bird) FS34</i>	<i>FS34.048</i>	<i>Oppose</i>	<i>Disallow</i>
KiwiRail Holdings Limited (S442)	S442.073	Amend	Amend as follows: To provide for activities which have <u>an operational or functional need</u> to locate in the margins of lakes, rivers and wetlands in such a way that the impacts on natural character are minimised.
Waka Kotahi NZ Transport Agency (S450)	S450.131	Support in part	Amend the objective: To provide for activities which have a functional need <u>and operational need</u> to locate in the coastal environment....
<i>Buller District Council (FS149)</i>	<i>FS149.013</i>	<i>Support</i>	<i>Allow</i>
Ministry of Education Te Tāhuhu o Te Mātauranga (S456)	S456.019	Support in part	Amend as follows: To provide for activities which have an <u>operational and functional need</u> to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features and biodiversity values are minimised.
Bathurst Resources Limited and BT Mining Limited (S491)	S491.029	Amend	Amend: To provide for activities which have a functional <u>or operational need</u> to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised. <u>avoided, remedied, mitigated, offset or compensated.</u>
<i>Buller Electricity Limited (FS138)</i>	<i>FS138.018</i>	<i>Support</i>	<i>Allow</i>
TiGa Minerals and Metals Limited (S493)	S493.071	Amend	Amend CE - O3 as follows: To provide for activities which have a functional <u>or operational need</u> to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
Leonie Avery (S507)	S507.086	Support in part	Amend as follows: To provide for activities which have a functional, <u>technical, operational or locational need</u> to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.

Jared Avery (S508)	S508.086	Support in part	Amend as follows: To provide for activities which have a functional, <u>technical, operational or locational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
Kyle Avery (S509)	S509.086	Support in part	Amend as follows: To provide for activities which have a functional, <u>technical, operational or locational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
Avery Bros (S510)	S510.086	Support in part	Amend as follows: To provide for activities which have a functional, <u>technical, operational or locational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
Bradshaw Farms (S511)	S511.086	Support in part	Amend as follows: To provide for activities which have a functional, <u>technical, operational or locational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
Paul Avery (S512)	S512.086	Support in part	Amend as follows: To provide for activities which have a functional, <u>technical, operational or locational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
Brett Avery (S513)	S513.086	Support in part	Amend as follows: To provide for activities which have a functional, <u>technical, operational or locational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
Steve Croasdale (S516)	S516.067	Amend	Amend as follows: To provide for activities which have a functional, <u>technical, operational or locational</u> need to locate in the coastal environment in such a way that the...

Geoff Volckman (S563)	S563.059	Amend	Amend: To provide for activities which have a functional, <u>technical</u> , <u>operational</u> or <u>locational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
Catherine Smart-Simpson (S564)	S564.065	Amend	Amend: To provide for activities which have a functional, <u>technical</u> , <u>operational</u> or <u>locational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
Chris J Coll Surveying Limited (S566)	S566.280	Amend	Amend as follows: To provide for activities which have a functional, <u>technical</u> , <u>operational</u> or <u>locational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
William McLaughlin (S567)	S567.345	Amend	Amend as follows: To provide for activities which have a functional, <u>technical</u> , <u>operational</u> or <u>locational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
Minerals West Coast (S569)	S569.015	Amend	Amend to read To provide for activities which have a <u>locational</u> , functional, <u>technical</u> and <u>operational</u> need...
Neil Mouat (S535)	S535.036	Support in part	Amend as follows: To provide for activities which have a functional, <u>technical</u> , <u>operational</u> or <u>locational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
<i>Neil Mouat (FS54)</i>	<i>FS54.3</i>	<i>Support</i>	<i>Allow</i>
Chris & Jan Coll (S558)	S558.280	Amend	Amend as follows: To provide for activities which have a functional, <u>technical</u> , <u>operational</u> or <u>locational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
<i>Grey District Council (FS1)</i>	<i>FS1.196</i>	<i>Support</i>	<i>Allow</i>

Laura Coll McLaughlin (S574)	S574.280	Amend	Amend as follows: To provide for activities which have a functional, <u>technical, operational or locational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
WMS Group (HQ) Limited and WMS Land Co. Limited (S599)	S599.075	Amend	Amend CE - O3 as follows: To provide for activities which have a functional <u>or operational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
Birchfield Coal Mines Ltd (S601)	S601.055	Amend	Amend CE - O3 as follows: To provide for activities which have a functional <u>or operational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
<i>MBD Contracting Limited (FS134)</i>	<i>FS134.006</i>	<i>Support</i>	<i>Allow</i>
Birchfield Coal Mines Ltd (S601)	S601.124	Amend	Amend CE - O3 as follows: To provide for activities which have a functional <u>or operational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
Birchfield Ross Mining Limited (S604)	S604.050	Amend	Amend CE - O3 as follows: To provide for activities which have a functional <u>or operational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
Karamea Lime Company (S614)	S614.087	Support	Amend as follows: To provide for activities which have a functional, <u>technical, operational or locational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
Peter Langford (S615)	S615.087	Support	Amend as follows: To provide for activities which have a functional, <u>technical, operational or locational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.

Avery Brothers (S609)	S609.078	Amend	Amend as follows: To provide for activities which have a functional, <u>technical, operational or locational</u> need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.
Westpower Limited (S547)	S547.410	Amend	Amend To provide for activities which <u>due to technical, locational, functional or operational constraints or requirements need to be undertaken</u> in the coastal environment <u>while managing adverse effects on natural character, landscape, natural features, access and biodiversity values.</u>
Grey District Council (S608)	S608.647	Support in part	Reword objective to provide clarity on the focus and intent of the provision.
Bert Hofmans (S504)	S504.009	Amend	Delete reference to "functional need"
Lindy Millar (S505)	S505.009	Amend	Delete reference to "functional need"
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.279	Oppose in part	Amend CE - O3 as follows: "To <u>consider</u> providing for activities which have a functional need to locate in the coastal environment in such a way that <u>where</u> the impacts on natural character, landscape, natural features, access, and biodiversity values are <u>appropriately avoided, remedied or mitigated</u> minimised.
Minerals West Coast (S569)	S569.035	Amend	Amend: ... impacts on natural character, landscape, natural features, access and biodiversity values are <u>minimised avoided, remedied, mitigated, offset and/or compensated.</u>
Department of Conservation (S602)	S602.142	Amend	Amend: To provide in appropriate places for activities which have a functional need to locate in the coastal environment <u>in such a way that the impacts while ensuring adverse effects</u> on natural character, landscape, natural features, access and biodiversity values are minimised.
<i>Buller District Council (FS149)</i>	<i>FS149.0132</i>	<i>Support</i>	<i>Allow</i>

Analysis

98. Four submitters support this objective. This support is noted.
99. John Brazil (S360.028), Avery Brothers (S609.078), Peter Langford (S615.087), Karamea Lime Company (S614.087), Minerals West Coast (S569.015), Catherine Smart-Simpson (S564.065), William McLaughlin (S567.345), Steve Croasdale (S516.067), Westpower Limited (S547.410), Geoff Volckman (S563.059), Leonie Avery (S507.086), Jared Avery (S508.086), Kyle Avery (S509.086), Avery Bros (S510.086), Bradshaw Farms (S511.086), Paul Avery (S512.086), Brett Avery (S513.086), Chris & Jan Coll (S558.280), Chris J Coll Surveying Limited (S566.280), Laura Coll McLaughlin (S574,280) and Neil Mouat (S535.036) seek that the objective include reference to "technical, locational or operational need". WMS Group

(S599.075), TiGa Minerals and Metals Limited (S493.071), Birchfield Coal Mines Ltd (S601.055), Birchfield Ross Mining Limited (S604.050), Birchfield Coal Mines Ltd (S601.124), KiwiRail Holdings Limited (S442.073), Bathurst Resources (S491.029), Waka Kotahi (S450.131), Silver Fern Farms (S441.022), Ministry of Education (S456.019) seek that the objective reference "operational need". Westpower (S547.410) seek that the objective reference "technical, locational or operational constraints or requirements" and that it also has an addition "while managing adverse effects on natural character, landscape, natural features, access and biodiversity values". This submitter considers that this is necessary for consistency within the Plan. Transpower New Zealand Limited (S299.062) seek that a reference to "operational need in respect of the National Grid" be included in the objective.

100. I support these submissions.

101. This objective is derived from the direction in the NZCPS and the WCRPS. The NZCPS recognises in Objective 6 that there are some activities which have a functional requirement to locate in the coastal environment, for example ports which are specifically provided for in the NZCPS. The NZCPS does not specifically recognise "operational need" which has a much wider application. However turning to the WCRPS, in relation to the coastal environment, Policy 3 of the coastal environment chapter states:

Provide for subdivision, use or development in the coastal environment:

a) Which maintains or enhances the social, economic and cultural well-being of people and communities;

b) Which:

i) Requires the use of the natural and physical resources in the coastal environment; or

ii) Has a technical, functional or operational requirement to be located within the coastal environment;

...

102. The matter of whether "technical, locational, functional or operational constraints or requirements" versus "functional need or operational need" is the appropriate phrase has been canvassed in other s42A reports. Now we have the National Planning Standards definition of "operational need" I consider that this encompasses the "technical and locational" aspects.

103. Department of Conservation (S602.142) seek that the phrase "in such a way that the impacts" be replaced with "while ensuring adverse effects". I support this submission as I consider this wording is more consistent with the higher order documents.

104. Westpower Limited (S547.410) also seek the addition of the phrase "while managing adverse effects on natural character, landscape, natural features, access and biodiversity values" replaces the phrase "in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised." I support this submission in part. I do not consider that the NZCPS and WCRPS direction is to "manage" adverse effects – it has a much stronger direction than that and I consider that the term "minimised" (as proposed to be defined in the Introduction and General Provisions s42A report) provides for that stronger direction, however I agree that it should be "adverse effects" rather than "impacts" that are minimised. I consider that the amendment I have recommended in response to the Department of Conservation submission partly addresses this submission point.

105. Grey District Council (S608.647) seek that the objective be reworded to replace the word "minimise" with "mitigate". I do not support this submission. Both the NZCPS and WCRPS have a strong "avoid" direction in relation to adverse effects on these values. Within this context I consider "minimise" is entirely appropriate.

106. Bert Hofmans (S504.009) and Lindy Millar (S505.009) seek that the reference to "functional need" is deleted. I do not support these submissions. The NZCPS specifically recognises that there are activities with a functional need for locating in

the coastal environment and the WCRPS also recognises technical, locational and operational constraints and requirements. I therefore consider the use of this term in the objective is appropriate.

107. Forest and Bird (S560.279) seek that the objective is amended to replace "Provide for" with "to consider" and to replace "minimised" with "appropriately avoided, remedied or mitigated". I do not support this submission. "Provide for" does not mean an activity is permitted, but it can be provided for within a resource consenting framework, and therefore I consider this is the appropriate wording. I also prefer the use of the term minimise – with the proposed definition as outlined in the Introduction and General Provisions s42A report of "reduce to the smallest amount reasonably practicable" as I consider this is a better reflection of the intent of the NZCPS and WCRPS direction than the use of "appropriately avoided, remedied or mitigated".
108. Minerals West Coast (S569.035) and Bathurst Resources (S491.029) seek that the term "minimised" is replaced by "avoided, remedied, mitigated, offset and/or compensated". I do not support this submission. As discussed above, I consider that "minimised" is the appropriate term within the objective. I also consider that the use of effects management hierarchy (including offsetting and/or compensation) is the way in which the objective might be achieved - and that any reference to offsetting and compensation is considered at a policy level, and in relation to biodiversity as outlined in the NPSIB.

Recommendations

109. That the following amendments be made to Objective CE – O3:

CE - O3

To provide for activities which have a functional need or operational need to locate in the coastal environment ~~in such a way~~ while ensuring that the ~~impacts~~ adverse effects on natural character, landscape, natural features, access and biodiversity values are minimised.

110. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

9.0 Submissions on the Policies

9.1 Submissions on the Policies as a Whole

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Buller District Council (S538)	S538.286	Support	Retain as notified. Objectives CE-O1 - O3; Policies CE-P1 - P8
Westland District Council (S181)	S181.025	Support	Retain the objectives and policies
Westpower Limited (S547)	S547.411	Amend	(1) Add a new Policy: <u>Provide for new and existing renewable electricity generation activities in the coastal environment, including having particular regard to: a) The need to locate where the renewable energy resource is available; b) The technical, functional or operational needs of renewable electricity generation activities</u> (2) Ensure matters in Policy 3, Chapter 9 of the RPS are given effect in policies providing for subdivision, use and

			development in this section of the plan.
<i>Department of Conservation (FS122)</i>	<i>FS122.028</i>	<i>Oppose</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.283	Amend	Add new policy: <u>Manage adverse effects of activities outside of outstanding coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features by avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on natural character, natural landscapes and features in the coastal environment in accordance with Policy 13 and 15 NZCPS.</u>
<i>TiGa Minerals and Metals Limited (FS104)</i>	<i>FS104.047</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Westpower Limited (FS222)</i>	<i>FS222.0279</i>	<i>Oppose</i>	<i>Disallow</i>
<i>WMS Group (HQ) Limited and WMS Land Co. Limited (FS231)</i>	<i>FS231.050</i>	<i>Oppose</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.287	Amend	Add a new policy to restrict vehicle access onto beaches other than where appropriate areas are identified as per Policy 20 of the NZCPS.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.418	Support	Amend to include policy direction that areas mapped as CE outside of Outstanding Coastal Natural Character/Natural Landscape and High Coastal Natural Character overlays, that can be determined as beyond the coastal environment through a consent process will not be subject to CE chapter provisions.
<i>Westpower Limited (FS222)</i>	<i>FS222.0280</i>	<i>Oppose</i>	<i>Disallow</i>

Analysis

111. Buller District Council (S538.286) support Policies CE – P1 – P8. Westland District Council (S181.025) support the policies. This support is noted.
112. Westpower (S547.411) seek the addition of a new policy in relation to providing for new and existing renewable electricity generation activities in the coastal environment. The policy wording proposed is the same as the wording in Policy 4, Chapter 9 of the RPS. I support this submission in part. I consider that rather than a separate policy, this matter can be adequately addressed by amendments to Policy CE – P5 which already provides for lawfully established buildings and structures and those with a functional and operational need to locate in the coastal environment, by adding an additional clause “*are new renewable electricity generation activities where the coastal environment is where the renewable electricity resource is available*”.
113. Westpower (S547.411) also seek that matters in Policy 3, Chapter 9 of the RPS are given effect in policies providing for subdivision use and development in this section of the Plan. I support this submission, in that I consider that the provisions do need

to give effect to the WCRPS – but I note that this is all parts of the WCRPS, not just one individual policy. I address consistency with the WCRPS further in relation to specific policies and rules and therefore do not propose any specific amendment as a result of this submission.

114. Forest and Bird (S560.283) seek that a new policy be added to the chapter as follows: Manage adverse effects of activities outside of outstanding coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features by avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on natural character, natural landscapes and features in the coastal environment in accordance with Policy 13 and 15 NZCPS.
115. I do not support this submission. I consider that Policy CE – P3 includes many of the elements in this suggested policy – but takes them down to a more tangible level of detail that will assist plan interpretation and resource consent assessment in a way that the policy proposed by Forest and Bird will not.
116. Forest and Bird (S560.287) seek the addition of a policy restricting vehicle access onto beaches in accordance with NZCPS Policy 20. At this point in time I am unable to support this submission. This is because I am not certain that a district plan can regulate vehicle access to beaches (particularly where many of these are legal roads). I have reviewed a report prepared by Forest and Bird (Vehicle Access on Beaches Accompanying Report). This report states “*The jurisdiction of who has control and/or enforcement over beaches, specifically vehicles on beaches, is not a clearly defined and it is difficult to distinguish who hold responsibility. It is unsurprising that the general public are often referred between different agencies.*”
117. This report appears to indicate that the Land Transport Act and Bylaws should be used to regulate vehicle access to beaches and not district plans.
118. I have also referred to the NZCPS 2010 Policy 20 guidance document. This gives examples of how access for vehicles on beaches are restricted – through Reserve Management Plans, Bylaws and in the Northland Regional Coastal Plan. I am not aware of vehicle access to beaches being restricted through district plans, and I invite the submitter to provide more information on what such a policy would contain and how this could provide a framework for addressing this issue within a district plan.
119. Forest and Bird (S560.418) seek the addition of a new policy that provides that areas mapped as Coastal Environment outside of Outstanding Coastal Natural Character/Natural Landscape and High Coastal Natural Character overlays, that can be determined as beyond the coastal environment through a consent process will not be subject to Coastal Environment chapter provisions. I understand from the Forest and Bird submission that this is a consequent amendment from their seeking a much wider application of the coastal environment, than has currently been identified through the mapping of this area. On that basis I do not support this submission point, as I consider that, subject to the amendments I recommend in this report, the mapping of the coastal environment is appropriate and therefore the rules should apply.

Recommendations

120. That Policy CE – P5 is amended as follows:

CE -P5

Provide for buildings and structures within the coastal environment outside of areas of outstanding coastal natural character, outstanding natural landscape and outstanding natural features where these:

- a. Are existing lawfully established structures; or
 - b. Are of a size, scale and nature that is appropriate to the area; or
 - c. Are in the parts of the coastal environment that have been historically modified by built development and primary production activities; or
 - d. Have a functional or operational need to locate within the coastal environment;
- or

- e. Are renewable electricity generation activities where the coastal environment is where the renewable electricity resource is available; or
 - f. Are of a size, scale and nature that is appropriate to the area; and
 - g. Adverse effects on amenity, natural character, historic and cultural values, and biodiversity are appropriately managed.
121. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

9.2 Submissions on Policy CE – P1

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Craig Schwitzer (S96)	S96.017	Support	Retain this part of the plan and implement immediately
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.471	Support	Retain policy.
Transpower New Zealand Limited (S299)	S299.063	Support	Retain Policy CE-P1
John Brazil (S360)	S360.029	Support	Retain as notified
Waka Kotahi NZ Transport Agency (S450)	S450.132	Support	Retain as proposed.
<i>Silver Fern Farms Limited (FS101)</i>	<i>FS101.019</i>	<i>Support</i>	<i>Allow</i>
Leonie Avery (S507)	S507.087	Support	Retain as notified.
Jared Avery (S508)	S508.087	Support	Retain as notified.
Kyle Avery (S509)	S509.087	Support	Retain as notified.
Avery Bros (S510)	S510.087	Support	Retain as notified.
Bradshaw Farms (S511)	S511.087	Support	Retain as notified.
Paul Avery (S512)	S512.087	Support	Retain as notified.
Brett Avery (S513)	S513.087	Support	Retain as notified.
Chris & Jan Coll (S558)	S558.281	Support	Retain
Geoff Volckman (S563)	S563.060	Support	Retain
Catherine Smart-Simpson (S564)	S564.066	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.281	Support	Retain
William McLaughlin (S567)	S567.346	Support	Retain
Laura Coll McLaughlin (S574)	S574.281	Support	Retain
Steve Croasdale (S516)	S516.068	Support	Retain
Neil Mouat (S535)	S535.037	Support	Retain as notified.
<i>Neil Mouat (FS54)</i>	<i>FS54.4</i>	<i>Support in part</i>	<i>Allow in part</i>
<i>Neil Mouat (FS54)</i>	<i>FS54.5</i>	<i>Support in part</i>	<i>Allow in part</i>
Avery Brothers (S609)	S609.079	Support	Retain
Karamaea Lime Company (S614)	S614.088	Support	Retain

Peter Langford (S615)	S615.088	Support	Retain
Grey District Council (S608)	S608.648	Support	N/A
Snodgrass Road submitters (S619)	S619.040	Oppose	Delete Policy CE-P1 or remove Coastal Environment overlay from the Snodgrass Road submitters' properties.
Federated Farmers of New Zealand (S524)	S524.087	Support	This overlay must be identified and mapped
Westpower Limited (S547)	S547.412	Amend	(1) Amend item f., "f. The built environment and infrastructure, <u>including energy activities and critical infrastructure</u> , which have modified the coastal environment." (2) Clearly identify existing energy activities and infrastructure within values assessments. (3) Ensure these matters are identified and shown on relevant maps for the coastal environment, including the extent of Urban Areas not forming part of the coastal environment overlay.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.280	Amend	Amend the policy to accurately reflect Policy 1 as it applies to the coastal environment beyond the coastal marine area.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.530	Amend	Clarify terminology throughout the Plan so it is clear whether the Coastal Environment is an "overlay" or just a map layer.
Department of Conservation (S602)	S602.143	Amend	Amend: Identify and map a Coastal Environment overlay that recognises and provides for the extent of the coastal environment and different areas, elements or characteristics within it, including: a. Areas where coastal processes, influences or qualities are significant, <u>including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these</u> ; b. Elements and features that contribute to the natural character, landscape, visual qualities or amenity values; c. Areas along the coast and river mouths where coastal erosion and coastal inundation is likely, and within the wider coastal environment where there is a potential hazard risk should accelerated sea level rise occur ; d. Historic heritage and Poutini Ngāi Tahu cultural areas or features; <u>islands; f. inter-related coastal marine and terrestrial systems, including the intertidal zone</u> ; g. Areas of significant coastal vegetation and habitat of indigenous coastal flora and fauna

			species, <u>including migratory birds</u> ; and h. The built environment and infrastructure which have modified the coastal environment.
<i>West Coast Penguin Trust (FS45)</i>	<i>FS45.16</i>	<i>Support</i>	<i>Allow</i>
<i>West Coast Penguin Trust (FS45)</i>	<i>FS45.38</i>	<i>Support</i>	<i>Allow</i>
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620)	S620.202	Amend	Amend as followings: (d) Historic heritage and (e) Poutini Ngāi Tahu <u>Values</u> cultural areas or features ; and renumbering of (e) and (f).

Analysis

122. Twenty-four submitters support this policy. This support is noted.
123. Snodgrass Road submitters (S619.040) seek that this policy is deleted or that the Coastal Environment overlay is removed from the submitters properties. I do not support this submission. While I will discuss the extent of the coastal environment in detail in Section 15 of this report, I note that this is identified based on the clear criteria set in Policy 1 of the NZCPS and that Policy CE – P1 paraphrases these criteria.
124. Policy 1 Extent and Characteristics of the Coastal Environment of the NZCPS states:
- (1) Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.*
- (2) Recognise that the coastal environment includes:*
- (a) the coastal marine area;*
 - (b) islands within the coastal marine area;*
 - (c) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;*
 - (d) areas at risk from coastal hazards;*
 - (e) coastal vegetation and the habitat of indigenous coastal species including migratory birds;*
 - (f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;*
 - (g) items of cultural and historic heritage in the coastal marine area or on the coast;*
 - (h) inter-related coastal marine and terrestrial systems, including the intertidal zone; and*
 - (i) physical resources and built facilities, including infrastructure, that have modified the coastal environment.*
125. Westpower Limited (S547.412) seek that item f. of this policy be amended to refer to “including energy activities and critical infrastructure”. I do not support this part of the submission, in that I consider that both energy activities and critical infrastructure are subsets of infrastructure, therefore the qualifier is not needed. The second part of this submission seeks that existing energy activities and infrastructure are clearly identified within values assessments and this part seeks that these are identified and shown on the relevant maps. I support this and consider that, as was discussed in the landscape and natural features hearing, there is significant merit in showing the extent of the Westpower network on the Planning Maps as an information layer. There is an extensive electricity distribution network within parts of the coastal environment, particularly within the settlements and main towns of the West Coast.

126. Federated Farmers of New Zealand (S524.087) seek that the overlay is identified and mapped. I support this submission and note that the coastal environment is mapped in the proposed TTPP.
127. Department of Conservation (S602.143) seek that the policy is amended to add in matters in NZCPS Policy 1 (2) that are not currently included - specifically "coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these, islands, inter-related coastal marine and terrestrial systems, including the intertidal zone and habitats of migratory birds". They also seek that the reference to accelerated sea level rise is deleted in relation to coastal hazards.
128. I support this submission, as I consider that given TTPP must give effect to the NZCPS that these changes remove a degree of ambiguity around what matters must be considered for inclusion in an assessment of the extent of the coastal environment.
129. Forest and Bird (S560.280) seek that the policy be amended to accurately reflect NZCPS Policy 1. I support this submission and consider the amendments I have recommended in response to the submission of the Department of Conservation meet this requirement.
130. Ngāi Tahu (S620.202) seek that Poutini Ngāi Tahu "cultural areas of features" is replaced with "values". I support this submission as this is consistent with the terminology that I have recommended is used throughout the Plan.
131. Forest and Bird (S560.530) seeks that terminology through the Plan is clear whether the Coastal Environment is an "overlay" or just a map layer. I support this submission in part, in that if there is confusion, then clearly this must be remedied. The Coastal Environment is mapped in TTPP, as are other overlay areas – such as SNAs, ONLs, HCNCs, Natural Hazard overlays. I am not clear what aspects of confusion Forest and Bird are concerned with and invite them to provide further information on this, and the amendments sought to the Plan at the hearing.

Recommendations

132. That the extent of the Westpower electricity distribution network is shown on the planning maps as a layer for information.
133. That Policy CE – P1 is amended as follows:

CE - P1

Identify and map a Coastal Environment overlay that recognises and provides for the extent of the coastal environment and different areas, elements or characteristics within it, including:

- a. Areas where coastal processes, influences or qualities are significant including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;
 - b. Elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
 - c. Areas along the coast and river mouths where coastal erosion and coastal inundation is likely, and within the wider coastal environment where there is a potential hazard risk ~~should accelerated sea level rise occur;~~
 - d. Historic heritage and Poutini Ngāi Tahu ~~cultural areas or features~~ values;
 - e. Islands;
 - f. Inter-related coastal marine and terrestrial systems, including the intertidal zone
 - g. Areas of significant coastal vegetation and habitat of indigenous coastal flora and fauna species including migratory birds; and
 - h. The built environment and infrastructure which have modified the coastal environment.
134. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

9.3 Submissions on Policy CE – P2

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Craig Schwitzer (S96)	S96.018	Support	Retain this part of the plan
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.472	Support	Retain policy.
Transpower New Zealand Limited (S299)	S299.064	Support	Retain the policy
Department of Conservation (S602)	S602.144	Support	Retain Policy CE-P2 as notified.
Westpower Limited (S547)	S547.415	Amend	Amend the first paragraph: Preserve natural character and protect natural character and natural features and landscapes <u>from inappropriate subdivision use and development</u> within the coastal environment that have; ...
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.281	Amend	Amend CE – P2 to accurately capture Policies 13 and 15 of the NZCPS.
<i>Westpower Limited (FS222)</i>	<i>FS222.0281</i>	<i>Oppose</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.532	Amend	Make additional amendments as necessary to ensure that vegetation clearance which may adversely affect natural character, natural landscapes and features beyond outstanding and high overlays avoids significant adverse effects and avoids, remedies, or mitigates other adverse effects. This will include: <ul style="list-style-type: none"> - the amendments sought to ECO-R1 and ECO – R2 above are as it restricts indigenous vegetation clearance in the CE to certain purposes within limits - A matter of discretion in ECO – R5 for consideration of adverse effects on natural character, natural landscapes, and features in the CE.
<i>Westpower Limited (FS222)</i>	<i>FS222.0282</i>	<i>Oppose</i>	<i>Disallow</i>

Analysis

135. Four submitters support this policy. This support is noted.
136. Westpower Limited (S547.415) seek that this policy is amended to include reference to inappropriate subdivision use and development so this better reflects the WCRPS. I support this submission in that I consider that this amended wording also better

- reflects the direction in Section 6 of the RMA, as well as Policies 13 and 15 of the NZCPS which specifically refer to “inappropriate subdivision use and development”.
137. Forest and Bird (S560.281) seek that this policy be amended to accurately capture Policies 13 and 15 of the NZCPS. I support this submission in part in that TTPP is required to give effect to the NZCPS, however I am not clear from the submission what amendment to this policy is sought. The criteria in the NZCPS have been part of the consideration in identifying areas of ONC, and ONFL and in the coastal environment which addresses clause 2 of Policy 13 and Clause c of Policy 15. I note that there are a suite of policies in TTPP to address the direction in the RMA, WCRPS and NZCPS and that Policy CE – P3 addresses some of the matters in Policies 13 and 15 of the NZCPS. As I have stated in other s42A reports I do not see value in simple “cutting and pasting” of policies from higher order instruments into TTPP. TTPP has to give effect to these instruments, and needs to provide appropriate direction, in a way that can be easily interpreted by Plan users, on how this is to be achieved in a West Coast District Plan context. I invite Forest and Bird to provide more information about the changes they seek to this policy and how it will achieve that need.
138. Forest and Bird (S560.532) seek that there be amendments to the Plan to ensure that vegetation clearance which may adversely affect natural character, natural landscapes and features beyond outstanding and high overlays avoids significant adverse effects and avoids, remedies, or mitigates other adverse effects, within the coastal environment. I support this submission in part. I consider it should have been addressed within the Ecosystems and Biodiversity s42A report, as the submission seeks changes to those provisions. However I must address it now, and share the concern of Forest and Bird that Rule ECO – R5 does not adequately address the coastal environment. I support the addition of a matter of discretion in ECO – R5 for consideration of adverse effects on the natural character, natural landscapes and features in the coastal environment. In relation to ECO – R2, Forest and Bird sought substantive amendments to that rule, some of which I have recommended be accepted, however I do consider that the rule adequately manages the risk to outstanding coastal natural character of clearance within these identified areas of OCNC as these areas will have little or no infrastructure or any other type of development within them. However I am not certain that there is scope within this submission point (which relates to areas beyond the overlays) or another submission point to address that matter, and I invite the view of Forest and Bird on this matter of scope.

Recommendations

139. That Policy CE – P2 be amended as follows:

CE – P2

Preserve the natural character, natural features and landscape qualities and values of areas within the coastal environment from inappropriate subdivision, use and development that have:

- a. Significant indigenous biodiversity including Significant Natural Areas as described in Schedule Four
 - b. Outstanding natural landscapes as described in Schedule Five;
 - c. Outstanding natural features as described in Schedule Six;
 - d. High coastal natural character as described in Schedule Seven; and
 - e. Outstanding coastal natural character as described in Schedule Eight
140. That Rule ECO – R5 be amended to include an additional matter of discretion – “effects on natural character, natural landscapes, and natural features in the coastal environment”.
141. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

9.4 Submissions on Policy CE – P3

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Craig Schwitzer (S96)	S96.019	Support	Retain this part of the plan
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.473	Support	Retain policy.
Chris J Coll Surveying Limited (S566)	S566.282	Support	Retain
William McLaughlin (S567)	S567.347	Support	Retain
Chris & Jan Coll (S558)	S558.282	Support	Retain
Laura Coll McLaughlin (S574)	S574.282	Support	Retain
Snodgrass Road submitters (S619)	S619.041	Support	Retain Policy CE-P3.
Transpower New Zealand Limited (S299)	S299.065	Oppose in part	Amend the policy as follows: CE -P3 Only allow new subdivision, use and development ...Significant adverse effects on natural character, natural landscapes and natural features, and adverse effects on areas of significant indigenous biodiversity, areas of outstanding and high natural character, <u>and outstanding coastal natural landscapes and outstanding coastal natural features</u> are avoided; The development is of a size, scale and nature that is appropriate to the environment; It is for a Poutini Ngāi Tahu cultural purpose; or It is National Grid infrastructure that has a functional and <u>or</u> operational need to locate in these areas.
KiwiRail Holdings Limited (S442)	S442.074	Amend	Amend as follows: Only allow new subdivision, use and development within areas of outstanding and high coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features where:; It is for a Poutini Ngāi Tahu cultural purpose; or It is National Grid infrastructure <u>or critical infrastructure</u> that has a functional and operational need to locate in these areas.
Waka Kotahi NZ Transport Agency (S450)	S450.133	Support in part	Amend the policy to add: f. <u>It is for critical infrastructure that has a functional or operational need to locate in these areas.</u>
<i>Buller District Council (FS149)</i>	<i>FS149.014</i>	<i>Support</i>	<i>Allow</i>

TiGa Minerals and Metals Limited (S493)	S493.072	Amend	Amend CE - P3 as follows: Only allow new subdivision, use and development within areas of outstanding and high coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features where: a. ... e. It is National Grid infrastructure <u>an activity</u> that has a functional and operational need to locate in these areas.
Westpower Limited (S547)	S547.416	Amend	1) Amend the first paragraph, "Allow new subdivision, use ...". (2) Amend item e., "e. It is National Grid infrastructure or other energy activity, including energy aspects of infrastructure and critical infrastructure, that due to technical, locational, functional or operational constraints and requirements needs to be undertaken within or through these areas."
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.282	Oppose in part	Amend CE - P3: "Only consider allowing new subdivision, use and development within the Coastal Environment areas of outstanding and high coastal natural character, outstanding coastal natural landscapes, and outstanding coastal natural features where: The elements, patterns, processes, and qualities that contribute to the outstanding or high natural character or landscape are maintained; Significant adverse effects on natural character, natural landscapes and natural features; and adverse effects on areas of significant indigenous biodiversity, areas of outstanding natural character and outstanding natural landscapes and features are avoided; and bb. outside the areas in b., significant adverse effects on natural character, natural landscapes and natural features are avoided; and bbb. Other adverse effects on the matters in bb. are avoided, remedied, or mitigated; and The development is of a size, scale and nature that is appropriate to the environment.; It is for a Poutini Ngāi Tahu cultural purpose; or It is National Grid infrastructure that has a functional and operational need to locate in these areas."
Transpower NZ Ltd (FS110)	FS110.038	Oppose	Disallow

<i>Bathurst Resources Limited and BT Mining Limited (FS89)</i>	<i>FS89.074</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Hapuka Landing Limited (FS233)</i>	<i>FS233.004</i>	<i>Oppose</i>	<i>Disallow</i>
Minerals West Coast (S569)	S569.016	Amend	We urge council planners to exercise care in defining outstanding natural features and landscapes.
WMS Group (HQ) Limited and WMS Land Co. Limited (S599)	S599.076	Amend	Amend CE - P3 as follows: Only allow new subdivision, use and development within areas of outstanding and high coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features where: a. ... d. It is for a Poutini Ngāi Tahu cultural purpose; or e. It is National Grid infrastructure <u>an activity</u> that has a functional and operational need to locate in these areas.
Birchfield Coal Mines Ltd (S601)	S601.056	Amend	Amend CE - P3 as follows: Only allow new subdivision, use and development within areas of outstanding and high coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features where: a. ... d. It is for a Poutini Ngāi Tahu cultural purpose; or e. It is National Grid infrastructure <u>an activity</u> that has a functional and operational need to locate in these areas.
<i>Department of Conservation (FS122)</i>	<i>FS122.029</i>	<i>Oppose</i>	<i>Disallow</i>
<i>MBD Contracting Limited (FS134)</i>	<i>FS134.007</i>	<i>Support</i>	<i>Allow</i>
Department of Conservation (S602)	S602.145	Amend	Amend: Only allow new subdivision, use and development within areas of outstanding and high coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features where: a. The elements, patterns, processes and qualities that contribute to the outstanding or high natural character or landscape are maintained; b. adverse effects on areas of significant indigenous biodiversity, areas of outstanding natural character and outstanding natural landscapes and features are avoided; <u>b. adverse effects on areas of significant indigenous biodiversity, areas of outstanding natural character and outstanding natural landscapes and features are avoided;</u> c. Significant adverse effects on natural character, natural landscapes and natural features, and are avoided, and are otherwise managed in accordance with the effects management hierarchy; <u>and are avoided, and are otherwise managed in accordance with the effects management hierarchy;</u> and d. adverse effects on areas of significant indigenous biodiversity, areas of outstanding natural character

			and outstanding natural landscapes and features are avoided; e. The development is of a size, scale and nature that is appropriate to the environment; f. It is for a Poutini Ngāi Tahu cultural purpose; or g. It is National Grid infrastructure that has a functional and operational need to locate in these areas; and <u>h. All other effects on the coastal environment are managed in accordance with the effects management hierarchy</u>
Birchfield Ross Mining Limited (S604)	S604.051	Amend	Amend CE - P3 as follows: Only allow new subdivision, use and development within areas of outstanding and high coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features where: a. ... e. It is National Grid infrastructure <u>an activity</u> that has a functional and operational need to locate in these areas.
<i>Department of Conservation (FS122)</i>	<i>FS122.031</i>	<i>Oppose</i>	<i>Disallow</i>
Grey District Council (S608)	S608.649	Oppose in part	Reword CE - P3 to give effect to NENV - O3 and provide for the instances that regionally significant infrastructure needs to be located within these areas
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620)	S620.203	Support	Amend as follows: (d) It is for a Poutini Ngāi Tahu <u>activity or Māori Purpose Activity</u> cultural purpose ;

Analysis

142. Six submitters support this policy. This support is noted.
143. WMS Group (S599.076), TiGa Minerals and Metals Limited (S493.072), Birchfield Coal Mines Ltd (S601.056) and Birchfield Ross Mining Ltd (S604.051) seek that the reference to "national grid infrastructure" with a functional and operational need to locate in these areas is deleted from clause e. and replaced with "an activity". Westpower Limited (S547.416, S547.417) seeks that "or other energy activity including energy aspects of infrastructure and critical infrastructure that due to technical, locational, functional or operation constraints and requirements needs to be undertaken within or through these areas" is added to clause e. KiwiRail (S442.074) and Waka Kotahi (S450.133) seek that "or critical infrastructure" is added to clause e. Grey District Council (S608.649) seeks that the policy provide for regionally significant infrastructure.
144. In considering these submissions I have referred back to the direction in the NZCPS and the WCRPS. Policy CE - P3 relates specifically to scheduled areas of outstanding and high coastal natural character, areas of outstanding coastal natural landscapes and coastal natural features.
145. In terms of direction provided by the WCRPS (which was drafted to give effect to the NZCPS) Policy 1 of the coastal environment chapter directs that adverse effects on outstanding areas should be avoided, and that significant adverse effects on

- other areas of coastal natural character, landscape, natural features and indigenous biodiversity should be avoided. This is directly reflected in clause b. of CE – P3.
146. Policy 2 of the WCRPS coastal environment chapter provides specific exclusions for the National Grid in relation to these outstanding areas and this is the reason for the reference in clause e. of CE – P3.
 147. There is no reference in the WCRPS policy direction providing for any other activity, or for those with a functional and/or operational need within these outstanding areas. Policy 3 does include a reference to functional or operational requirements within the wider coastal environment. Policy 4 provides specifically for renewable energy generation within the wider coastal environment.
 148. On this basis, and considering also the very protective direction in policies 13 and 15 of the NZCPS around identified outstanding areas, I do not support these submissions, and consider that only the exemption for the National Grid, should be provided for in this policy.
 149. Minerals West Coast (S569.016) seeks that care is taken in identifying these areas as this policy is a “preserve” provision. I support this submission, in that the areas have been assessed – and reassessed with significant care to ensure that only areas that meet the criteria are included in the mapped extent of these overlays. I do not propose any amendment to the Plan as a result of this submission.
 150. Transpower (S299.065) seek some amendment to the policy to include specific reference to areas of high coastal natural character, and that the reference to outstanding natural landscapes and features be amended to refer to outstanding “coastal” natural landscapes and “outstanding coastal natural” features. I support these amendments as this clarifies the policy in relation to the coastal nature of these overlays. Transpower also submit that the reference to “functional and operational” need be amended to “functional or operational” need of the National Grid. I have referred to Policy 2 of the WCRPS coastal environment chapter in considering this. I believe it does support a direction of providing for operational need of the National Grid, therefore I also support this part of the submission.
 151. Department of Conservation (S602.145) seek that this policy be amended and include reference the “effects management hierarchy”. I do not support this submission. The effects management hierarchy is introduced in the NPSIB, but is not referenced in the NZCPS, which in relation to these identified outstanding areas, has a strong focus on avoiding adverse effects. The NPSIB also specifically states that where there is conflict between it and the NZCPS, the NZCPS takes precedence.
 152. Forest and Bird (S560.282) seek that the policy be redrafted to be less specific to the identified overlay areas and be more widely applied to the coastal environment. They also seek the deletion of clause d. in relation to providing for Poutini Ngāi Tahu cultural purposes. I do not support the proposed redrafting. This policy is intended to focus on management of identified and scheduled areas. In terms of deletion of clause d. in relation to Poutini Ngāi Tahu cultural purpose, I consider that there is merit in better defining what purposes are appropriate – and referring to the defined terms that are used in the consequent rule – Poutini Ngāi Tahu Activities and Māori Purpose Activities within a Māori Purpose Zone, and that activities other than cultural harvest should be included within an Iwi/Papatipū Rūnanga Management Plan.
 153. Ngāi Tahu (S620.203) seek that clause d. is amended to refer to Poutini Ngāi Tahu Activities or Māori Purpose Activities rather than “cultural purpose”. I support this submission, in that, as discussed above I consider “cultural purpose” is inappropriate and this policy links directly to Rule CE – R3 which provides for Māori Purpose and Poutini Ngāi Tahu Activities .

Recommendations

154. That Policy CE – P3 be amended as follows:

CE -P3

Only allow new subdivision, use and development within areas of outstanding and high coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features where:

- a. The elements, patterns, processes and qualities that contribute to the outstanding or high natural character or landscape are maintained;
- b. Significant adverse effects on natural character, natural landscapes and natural features, and adverse effects on areas of significant indigenous biodiversity, areas of outstanding and high natural character and outstanding coastal natural landscapes and outstanding coastal natural features are avoided;
- c. The development is of a size, scale and nature that is appropriate to the environment;
- d. It is for a:
 - i. Poutini Ngāi Tahu Activities; or
 - ii. Māori Purpose Activities within the Māori Purpose Zone in accordance with an Iwi/Papatipū Rūnanga Management Plan; or
 - iii. Cultural harvest purpose or
- e. It is National Grid infrastructure that has a functional ~~and~~ or operational need to locate in these areas.

155. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

9.5 Submissions on Policy CE – P4

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.474	Support	Retain policy.
Horticulture New Zealand (S486)	S486.044	Support	Retain CE-P4
WMS Group (HQ) Limited and WMS Land Co. Limited (S599)	S599.077	Support	Retain as notified.
Federated Farmers of New Zealand (S524)	S524.088	Support	Retain as notified and include the definition for primary production activities from the National Planning Standards.
Craig Schwitzer (S96)	S96.016	Oppose	Remove the policy so that there is no provision for industrial primary production or mineral extraction within the coastal environment. Only allow for small scale primary production or mineral extraction in the coastal environment that is sustainable and environmentally complementary to the specific area.
John Brazil (S360)	S360.030	Support in part	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>
Leonie Avery (S507)	S507.088	Support in part	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>

Jared Avery (S508)	S508.088	Support in part	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>
Kyle Avery (S509)	S509.088	Support in part	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>
Avery Bros (S510)	S510.088	Support in part	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>
Bradshaw Farms (S511)	S511.088	Support in part	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>
Paul Avery (S512)	S512.088	Support in part	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>
Brett Avery (S513)	S513.088	Support in part	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>
Steve Croasdale (S516)	S516.069	Amend	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>
Neil Mouat (S535)	S535.038	Support in part	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>
Chris & Jan Coll (S558)	S558.283	Amend	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>
Geoff Volckman (S563)	S563.061	Amend	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>
Catherine Smart-Simpson (S564)	S564.067	Amend	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>

Chris J Coll Surveying Limited (S566)	S566.283	Amend	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>
William McLaughlin (S567)	S567.348	Amend	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>
Laura Coll McLaughlin (S574)	S574.283	Amend	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>
Avery Brothers (S609)	S609.080	Amend	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>
Karamea Lime Company (S614)	S614.089	Amend	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>
Peter Langford (S615)	S615.089	Amend	Include a point c. <u>provides for activities that have a functional, technical, operational or locational need to locate in the coastal environment.</u>
Westpower Limited (S547)	S547.417	Amend	Amend e. It is National Grid infrastructure <u>or other energy activity, including energy aspects of infrastructure and critical infrastructure, that due to technical, locational, functional or operational constraints and requirements needs to be undertaken within or through these areas.</u>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.284	Amend	Amend: Provide for primary production activities within the outstanding and high natural character, outstanding natural landscapes, and outstanding natural features within the coastal environment where: These are existing lawfully established activities; or <u>and</u> The use does not <u>protects</u> the elements, patterns or processes that contribute to the outstanding or high values.
Department of Conservation (S602)	S602.146	Amend	Amend: Provide for primary production activities within the outstanding and high natural character, outstanding natural landscapes and outstanding natural features within the coastal environment where: a. These are existing lawfully

			established activities; or b. The use <u>and any associated buildings and structures</u> does not degrade the elements, patterns or processes that contribute to the <u>outstanding or high values</u> ; and c. <u>adverse effects on outstanding natural character, outstanding natural landscapes and outstanding natural features are avoided.</u>
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Analysis

156. This policy specifically relates to primary production activities. The definition of primary production is provided by the National Planning standards and includes both farming type activities and mineral extraction. In the Rural Zones s42A report I have supported the addition of the national planning standards definition of primary production being included in the plan.
157. Four submitters support this policy. This support is noted.
158. Craig Schwitzer (S96.016) seeks that the policy is removed so that there is no provision for industrial primary production or mineral extraction within the coastal environment. He seeks that the Plan only allow for small scale primary production or mineral extraction in the coastal environment that is sustainable and environmentally complementary to the specific area. I do not support this submission. It is important to recognise that there are existing activities located within, in particular, areas of HCNC and ONLs within the coastal environment. I do recommend some amendments to this policy as a result of other submissions, but I do not consider that it is appropriate that it be deleted.
159. John Brazil (S360.030), Avery Brothers (S609.080), Peter Langford (S615.089), Karamea Lime Company (S614.089), Catherine Smart-Simpson (S564.067), William McLaughlin (S567.348), Steve Croasdale (S516.069), Geoff Volckman (S563.061), Leonie Avery (S507.088), Jared Avery (S508.088), Kyle Avery (S509.088), Avery Bros (S510.088), Bradshaw Farms (S511.088), Paul Avery (S512.088), Brett Avery (S513.088), Chris & Jan Coll (S558.283), Chris J Coll Surveying Limited (S566.283), Laura Coll McLaughlin (S574.283) and Neil Mouat (S535.038) seek that an additional clause c. be added to the policies that provides for activities which have a functional, technical, operational or locational need to locate in the coastal environment. I do not support these submissions. It is important to recognise that this policy relates to the most natural/ highest value areas within the coastal environment. I consider that Policy CE – P3 already addresses activities with a functional or operational needs locating in these areas, and that there is no need for amendment to Policy CE – P4.
160. Department of Conservation (S602.146) seeks an amendment to combine clause a. and b. and to add the phrase " and any associated buildings and structures" and that it only apply to areas of high values. They seek an additional clause c, that identifies that adverse effects on outstanding areas are avoided. I support this submission in part. I support the addition of the reference to associated buildings and structures and the addition of the proposed clause c, as I consider this better reflects the NZCPS and WCRPS. I do not support that the policy only apply to the high coastal natural character areas. I note this is a "Provide for" policy – not an "allow policy" and therefore consider that including the outstanding areas is appropriate alongside the other amendments I have supported.
161. Forest and Bird (S560.284) seek that clause b of the policy is amended to the use "protects" rather than "~~the use does not degrade~~ the elements, patterns or processes that contribute to the outstanding or high values. I support this submission. I consider the "protect" wording is more consistent with the RMA Section 6 direction, as well as the NZCPS and WCRPS.

Recommendations

162. That the following amendments are made to Policy CE – P4:

Policy CE – P4

Provide for primary production activities within the outstanding and high natural character, outstanding natural landscapes and outstanding natural features within the coastal environment where:

- These are existing lawfully established activities and associated lawfully established buildings and structures and; ~~or~~
- The use ~~does not degrade~~ protects the elements, patterns or processes that contribute to the ~~outstanding or high natural character values;~~ and
- Adverse effects on outstanding natural character, outstanding natural landscapes and outstanding natural features are avoided.

163. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

9.6 Submissions on Policy CE – P5

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Craig Schwitzer (S96)	S96.020	Support	Retain this part of the plan
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.475	Support	Retain policy.
Transpower New Zealand Limited (S299)	S299.066	Support	Retain the policy.
<i>Radio New Zealand Limited (RNZ) (FS141)</i>	<i>FS141.024</i>	<i>Support</i>	<i>Allow</i>
Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited (S441)	S441.023	Support	Retain as notified.
KiwiRail Holdings Limited (S442)	S442.075	Support	Retain as proposed
Waka Kotahi NZ Transport Agency (S450)	S450.134	Support	Retain as proposed.
Ministry of Education Te Tāhuhu o Te Mātauranga (S456)	S456.020	Support	Retain as proposed.
TiGa Minerals and Metals Limited (S493)	S493.073	Support	Retain as notified.
Leonie Avery (S507)	S507.063	Support	Retain as notified.
Jared Avery (S508)	S508.063	Support	Retain as notified.
Kyle Avery (S509)	S509.063	Support	Retain as notified.
Avery Bros (S510)	S510.063	Support	Retain as notified.
Bradshaw Farms (S511)	S511.063	Support	Retain as notified.
Paul Avery (S512)	S512.063	Support	Retain as notified.
Brett Avery (S513)	S513.063	Support	Retain as notified.
Westland Farm Services (S550)	S550.005	Support	retain

WMS Group (HQ) Limited and WMS Land Co. Limited (S599)	S599.078	Support	Retain as notified.
Birchfield Coal Mines Ltd (S601)	S601.057	Support	Retain as notified.
Birchfield Ross Mining Limited (S604)	S604.052	Support	Retain as notified.
Avery Brothers (S609)	S609.055	Support	retain
Snodgrass Road submitters (S619)	S619.042	Support	Retain Policy CE-P5
Bert Hofmans (S504)	S504.010	Amend	Delete reference to "functional need"
Lindy Millar (S505)	S505.010	Amend	Delete reference to "functional need"
Russell and Joanne Smith (S477)	S477.011	Oppose	Include as additional text: a. Are existing lawfully established structures <u>or sites</u> ;
<i>Bert Hofmans (FS118)</i>	<i>FS118.6</i>	<i>Support</i>	<i>Allow</i>
Stewart & Catherine Nimmo (S559)	S559.011	Oppose	Include as additional text: a. Are existing lawfully established structures <u>or sites</u> ;
Tim and Phaedra Robins (S579)	S579.018	Amend	Amend: a. Are existing lawfully established structures <u>or sites</u> ;
Tim Macfarlane (S482)	S482.011	Oppose	Include as additional text: a. Are existing lawfully established structures <u>or sites</u> ;
Claire & John West (S506)	S506.011	Oppose	Include as additional text: a. Are existing lawfully established structures <u>or sites</u> ;
Lauren Nyhan Anthony Phillips (S533)	S533.011	Oppose	Include as additional text: a. Are existing lawfully established structures <u>or sites</u> ;
Westpower Limited (S547)	S547.419	Amend	Amend item a. Any existing lawfully established <u>buildings or structures</u> ; or ...
John Brazil (S360)	S360.031	Support in part	Amend point d. as follows: Have functional, <u>technical, locational or operational need</u> to locate within the coastal environment.
<i>Royal Forest & Bird Protection Society of NZ Inc. (Forest & Bird) (FS34)</i>	<i>FS34.049</i>	<i>Oppose</i>	<i>Disallow</i>
Leonie Avery (S507)	S507.089	Support in part	Amend point d. as follows: Have a functional, <u>technical, locational or operational need</u> to locate within the coastal environment.
Jared Avery (S508)	S508.089	Support in part	Amend point d. as follows: Have a functional, <u>technical, locational or operational need</u> to locate within the coastal environment.
Kyle Avery (S509)	S509.089	Support in part	Amend point d. as follows: Have a functional, <u>technical, locational or operational need</u> to locate within the coastal environment.
Avery Bros (S510)	S510.089	Support in part	Amend point d. as follows: Have a functional, <u>technical, locational or</u>

			operational need to locate within the coastal environment.
Bradshaw Farms (S511)	S511.089	Support in part	Amend point d. as follows: Have a functional, <u>technical</u> , <u>locational</u> or operational need to locate within the coastal environment.
Paul Avery (S512)	S512.089	Support in part	Amend point d. as follows: Have a functional, <u>technical</u> , <u>locational</u> or operational need to locate within the coastal environment.
Brett Avery (S513)	S513.089	Support in part	Amend point d. as follows: Have functional, <u>technical</u> , <u>locational</u> or operational need to locate within the coastal environment.
Steve Croasdale (S516)	S516.070	Amend	Amend point d. as follows: Have functional, <u>technical</u> , <u>locational</u> or operational need to locate within the coastal environment.
Neil Mouat (S535)	S535.039	Support in part	Amend point d. as follows: Have a functional, <u>technical</u> , <u>locational</u> or operational need to locate within the coastal environment.
Chris & Jan Coll (S558)	S558.284	Support	Amend point d. as follows: Have a functional, <u>technical</u> , <u>locational</u> or operational need to locate within the coastal environment.
Catherine Smart-Simpson (S564)	S564.068	Amend	Amend point d.: Have a functional, <u>technical</u> , <u>locational</u> or operational need to locate within the coastal environment.
Chris J Coll Surveying Limited (S566)	S566.284	Support	Amend point d. as follows: Have a functional, <u>technical</u> , <u>locational</u> or operational need to locate within the coastal environment.
William McLaughlin (S567)	S567.349	Support	Amend point d. as follows: Have a functional, <u>technical</u> , <u>locational</u> or operational need to locate within the coastal environment.
Laura Coll McLaughlin (S574)	S574.284	Support	Amend point d. as follows: Have a functional, <u>technical</u> , <u>locational</u> or operational need to locate within the coastal environment.
Geoff Volckman (S563)	S563.062	Amend	Amend: d. Have a functional, <u>technical</u> , <u>locational</u> or operational need to locate within the coastal environment.
Avery Brothers (S609)	S609.081	Amend	Amend point d. as follows: Have a functional, <u>technical</u> , <u>locational</u> or operational need to locate within the coastal environment.
Karamea Lime Company (S614)	S614.090	Amend	Amend point d. as follows: Have a functional, <u>technical</u> , <u>locational</u> or operational need to locate within the coastal environment.
Peter Langford (S615)	S615.090	Amend	Amend point d. as follows: Have a functional, <u>technical</u> , <u>locational</u>

			or operational need to locate within the coastal environment.
Westpower Limited (S547)	S547.421	Amend	Amend d. Have a <u>technical, locational, functional or operational constraint or requirements to be undertaken within or through to locate within</u> the coastal environment.
Westpower Limited (S547)	S547.418	Amend	Amend: Provide Allow buildings and structures ... features where these:...
Westpower Limited (S547)	S547.420	Amend	Amend item c. Are in parts of the coastal environment that have been historically modified by built development, <u>energy activities and infrastructure (including critical infrastructure)</u> , and primary production activities; or ...
Buller Conservation Group (S552)	S552.128	Amend	<u>(e) adverse effects on natural character, natural landscapes and natural features are avoided;</u>
Frida Inta (S553)	S553.128	Amend	<u>(e) adverse effects on natural character, natural landscapes and natural features are avoided;</u>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.285	Amend	Amend: <u>Consider</u> Provide ing for buildings and structures within the coastal environment outside of areas of ...
<i>Bathurst Resources Limited and BT Mining Limited (FS89)</i>	<i>FS89.075</i>	<i>Oppose</i>	<i>Disallow</i>
Department of Conservation (S602)	S602.147	Amend	Amend: Provide for buildings and structures within the coastal environment outside of areas of outstanding coastal natural character, outstanding natural landscape and outstanding natural features where these: a., and d. <u>adverse effects on amenity, natural character, historic and cultural values, and biodiversity are appropriately managed; and e. are of a size, scale and nature that is appropriate to the area; and f. is consistent with the NZCPS</u>
<i>Westpower Limited (FS222)</i>	<i>FS222.094</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Hapuka Landing Limited (FS233)</i>	<i>FS233.006</i>	<i>Oppose</i>	<i>Disallow</i>

Analysis

164. Twenty one submitters support this policy. This support is noted.
165. John Brazil (S360.031), Avery Brothers (S609.081), Peter Langford (S615.090), Karamea Lime Company (S614.090), Catherine Smart-Simpson (S564.068), William McLaughlin (S567.349), Steve Croasdale (S516.070), Geoff Volckman (S563.062), Leonie Avery (S507.089), Jared Avery (S508.089), Kyle Avery (S509.089), Avery Bros (S510.089), Bradshaw Farms (S511.089), Paul Avery (S512.089), Brett Avery (S513.089), Chris & Jan Coll (S558.284), Chris J Coll Surveying Limited (S566.284), Laura Coll McLaughlin (S574.284), Neil Mouat (S535.039) and Westpower Limited

- (S547.421) seek that the reference to functional or operational need is amended to "functional, technical, locational or operational" need in clause d. I do not support these submissions. The reference to "functional, technical, locational or operational" comes from the WCRPS, but since that was produced, the National Planning Standards have come into effect, which include a definition of "Operational Need". This definition, which is required to be used, covers off the technical and locational aspects in the WCRPS policy and therefore the additional words are not required.
166. Tim and Phaedra Robins (S579.018), Tim Macfarlane (S482.011), Russell and Joanne Smith (S477.011), Claire & John West (S506.011), Lauren Nyhan Anthony Phillips (S533.011) and Stewart & Catherine Nimmo (S559.011) seek that the words "or sites" is added to the end of clause a. which refers to lawfully established structures. These submitters are concerned that sites could be lawfully established through a subdivision but not yet been built on. They seek that this policy explicitly recognise that they should be able to be built on. I do not support these submissions. I consider this addition is unnecessary – as provided the size and scale requirements are met then the development of buildings or structures on these sites is already supported by the policy.
 167. Bert Hofmans (S504.010) and Lindy Millar (S505.010) seek that the reference to "functional need" is deleted from the policy. I do not support these submissions. I note that this policy applies to areas outside of high and outstanding areas of the coastal environment. Both the NZCPS and WCRPS specifically provide for activities with a functional need to locate within the coastal environment.
 168. Department of Conservation (S602.147) seek that the policy is restructured so that clause b moves to the end of the policy and that an additional two clauses are added – firstly that "adverse effects on amenity, natural character, historic and cultural values, and biodiversity are appropriately managed" and that activities are "consistent with the NZCPS". I support this submission in part, in that I support the addition of a clause around management of adverse effects – but I do not support the clause seeking that the activities be "consistent with the NZCPS". I consider this is a vague and uncertain provision and would not assist in assessing whether an activity is appropriate.
 169. Buller Conservation Group (S552.128) and Frida Inta (S553.128) seek the addition of a further clause e. "adverse effects on natural character, natural landscapes and natural features are avoided". I support these submissions in part. The direction of the NZCPS and WCRPS on this matter is that "significant" adverse effects are avoided. This policy attempts to provide clarity about what might be appropriate development that would fit within this direction. In considering the Department of Conservation submission S602.147 I have recommended the addition of a clause that addresses this submission in part – it focuses on "appropriate management" rather than "avoiding adverse effects" and I consider this partly addresses this submission.
 170. Westpower (S547.418) seeks that "Provide for" be deleted and replaced with "Allow" as they consider that this policy should apply to Permitted Activities. I do not support this submission. While this policy does support the Permitted Activity rules, it also provides a framework for rules CE – R13 and CE – R14 (Restricted Discretionary Activities).
 171. Westpower Limited (S547.419) seek that the policy be amended so that clause a. refers to buildings. I support this submission as I consider the omission of the word is a drafting error.
 172. Westpower Limited (S547.420) seek that clause c. have the addition of "energy activities and infrastructure (including critical infrastructure)". I support this submission in part in that I consider that reference to infrastructure is appropriate in the clause, but I do not support the full phrase Westpower proposes as I consider it unnecessary.
 173. Forest and Bird (S560.285) seek that the policy be amended to insert "consider" in relation to "provide for". I do not support this submission. It is the consensus view of the TTPP planning team that "Provide for" supports both Permitted Activities and those that require resource consent and I consider that this is appropriate within the

context of this policy which links to both Permitted Activity rules and the escalation rules where permitted standards are not met.

Recommendations

174. That Policy CE – P5 be amended as follows:

Policy CE – P5

Provide for buildings and structures within the coastal environment outside of areas of outstanding coastal natural character, outstanding natural landscape and outstanding natural features where these:

- a. Are existing lawfully established buildings or structures; or
- ~~b. Are of a size, scale and nature that is appropriate to the area; or~~
- c. Are in the parts of the coastal environment that have been historically modified by built development, infrastructure and primary production activities; or
- d. Have a functional or operational need to locate within the coastal environment; ~~or~~
- e. Are renewable electricity generation activities where the coastal environment is where the renewable electricity resource is available ;
- f. Are of a size, scale and nature that is appropriate to the area; and
- g. Adverse effects on amenity, natural character, historic and cultural values, and biodiversity are appropriately managed

175. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

9.7 Submissions on Policy CE – P6

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Craig Schwitzer (S96)	S96.021	Support	Retain this part of the plan
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.476	Support	Retain policy.
Transpower New Zealand Limited (S299)	S299.067	Support	Retain the policy.
John Brazil (S360)	S360.032	Support	Retain as notified
Avery Brothers (S609)	S609.056, S609.082	Support	retain
Karamea Lime Company (S614)	S614.091	Support	Retain
Peter Langford (S615)	S615.091	Support	Retain
Russell and Joanne Smith (S477)	S477.012	Support	Retain as notified
Tim Macfarlane (S482)	S482.012	Support	Retain as notified
Claire & John West (S506)	S506.012	Support	Retain as notified
Leonie Avery (S507)	S507.064, S507.090	Support	Retain as notified.
Jared Avery (S508)	S508.064, S508.090	Support	Retain as notified.
Kyle Avery (S509)	S509.064, S509.090	Support	Retain as notified.
Avery Bros (S510)	S510.064, S510.090	Support	Retain as notified.

Bradshaw Farms (S511)	S511.064, S511.090	Support	Retain as notified.
Paul Avery (S512)	S512.064, S512.090	Support	Retain as notified.
Brett Avery (S513)	S513.064, S513.090	Support	Retain as notified.
Steve Croasdale (S516)	S516.071	Support	Retain
Westland Farm Services (S550)	S550.006	Support	retain
Lauren Nyhan Anthony Phillips (S533)	S533.012	Support	Retain as notified
Chris & Jan Coll (S558)	S558.286	Support	Retain
Stewart & Catherine Nimmo (S559)	S559.012	Support	Retain as notified
Neil Mouat (S535)	S535.040, S535.069	Support	Retain as notified.
Snodgrass Road submitters (S619)	S619.043	Support	Retain Policy CE-P6
Geoff Volckman (S563)	S563.063	Support	Retain
Catherine Smart-Simpson (S564)	S564.069	Amend	Retain
Joel and Jennifer Watkins (S565)	S565.022	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.286	Support	Retain
William McLaughlin (S567)	S567.350	Support	Retain
Laura Coll McLaughlin (S574)	S574.286	Support	Retain
Tim and Phaedra Robins (S579)	S579.019	Support	Retain
Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited (S441)	S441.024	Support	Retain as notified.
<i>Royal Forest & Bird Protection Society of NZ Inc. (Forest & Bird) (FS34)</i>	<i>FS34.050</i>	<i>Oppose</i>	<i>Disallow</i>
Buller Conservation Group (S552)	S552.129	Support	b. Where located in unmodified areas, any adverse impact on natural character can be mitigated;
Frida Inta (S553)	S553.129	Support	b. Where located in unmodified areas, any adverse impact on natural character can be mitigated;
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620)	S620.204	Amend	Amend as follows: (C) (iii) Allow for Poutini Ngāi Tahu <u>activity or Māori Purpose Activity</u> cultural uses ;
Te Tumu Paeroa - The office of the Māori Trustee (S440)	S440.040	Support in part	The Māori Trustee considers that 'cultural uses' should be defined in the definitions chapter of the Proposed Plan.
Westpower Limited (S547)	S547.422	Amend	Amend the first paragraph: Recognise that there are existing settlements and

			urban areas ... Hokitika and enable new subdivision, <u>use and development (including buildings and structures)</u> within and expansion of towns and settlements where: ...
Ministry of Education Te Tāhuhu o Te Mātauranga (S456)	S456.021	Support in part	Recognise that there are existing settlements and urban areas located within the coastal environment of the West Coast/Tai o Poutini Where located in unmodified areas, any adverse impact on natural character can be mitigated; <u>There is sufficient infrastructure capacity to service growth, including educational facilities...</u>
Department of Conservation (S602)	S602.148	Oppose	Amend: Recognise that there are existing settlements and urban areas located within the coastal environment of the West Coast/Te Tai o Poutini including parts of Westport, Greymouth and Hokitika and enable new subdivision, buildings and structures within and expansion of towns and settlements where: These are located in areas already modified by built development or primary production activities <u>and the adverse effects on amenity, natural character, historic and cultural values, and biodiversity are appropriately managed, or</u> Where located in unmodified areas, any adverse impact on natural character <u>are managed in accordance with the effects management hierarchy can be mitigated;</u> In areas of outstanding or high natural character: Provide for lawfully established land uses and activities to continue; Allow for other uses with a functional need to locate in the coastal environment <u>where adverse effects are managed in accordance with the effects management hierarchy;</u> Allow for Poutini Ngāi Tahu cultural uses; Avoid encroachment into unmodified areas of the coastal environment; and Ensure subdivision and development is of a scale and design where adverse effects on the elements, patterns and processes that contribute to natural character are minimised. <u>Significant adverse effects on natural character are avoided;</u> <u>Adverse effects on natural character</u>

			<u>are avoided in areas of outstanding natural character.</u>
<i>Westpower Limited (FS222)</i>	<i>FS222.095</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Bathurst Resources Limited and BT Mining Limited (FS89)</i>	<i>FS89.025</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Hapuka Landing Limited (FS233)</i>	<i>FS233.008</i>	<i>Oppose</i>	<i>Disallow</i>
Westpower Limited (S547)	S547.423	Amend	Amend c. In areas of <u>outstanding natural landscape and/or</u> in areas of outstanding or high natural character: ...
Westpower Limited (S547)	S547.424	Amend	Amend c.ii. Allow for other uses with a <u>activities which, due to technical, locational, functional or operational constraints or requirements need to be undertaken within or through the coastal environment.</u>
Westpower Limited (S547)	S547.425	Amend	Amend item c.iv. Manage encroachment into unmodified areas of the coastal environment <u>to enable appropriate subdivision, use or development to occur.</u>
Westpower Limited (S547)	S547.426	Amend	Amend c.v. Ensure that subdivision and development is of ... that contribute to natural character are <u>avoided, remedied or mitigated.</u>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.286	Amend	Amend: Recognise that there are existing settlements and urban areas located within the coastal environment of the West Coast/Te Tai o Poutini including parts of Westport, Greymouth and Hokitika and where it may be appropriate to: <u>1. enable new subdivision, buildings, and structures within and expansion of towns and settlements where when:</u> These <u>activities</u> are located in areas already modified by built development; and or primary production activities, or the area is not subject to a natural hazard overlay <u>Where located in unmodified areas, any adverse impact on natural character can be mitigated; and</u> In areas of outstanding or high natural character: i. Provide for lawfully established land uses and activities to continue; ii. Allow for other uses with a functional need to locate in the coastal environment

			<p>iii. Allow for Poutini Ngāi Tahu cultural uses</p> <p>Avoid encroachment into unmodified areas of the coastal environment; <u>and</u></p> <p>ii. Ensure subdivision and development is of a scale and design where adverse effects on the elements, patterns and processes that contribute to natural character are <u>minimised-avoided, remedied, or mitigated consistent with CE-PX [new policy giving effect to Policy 13 (a) and (b) of the NZCPS];</u> and d. significant natural areas are <u>protected</u>; 2. make Pprovisione for lawfully established land uses and activities <u>that manage adverse effects in accordance with provisions of this Plan</u> to continue; 3ii. <u>Allow for-consider</u> other uses with a functional need to locate in the coastal environment; 4iii. Allow for Poutini Ngāi Tahu cultural uses; and 5. <u>where the area is subject to a natural hazard overlay the activity is consistent with achieving NH objectives.</u> Avoid encroachment into unmodified areas of the coastal environment; and Ensure subdivision and development is of a scale and design where adverse effects on the elements, patterns</p>
<i>Westpower Limited (FS222)</i>	<i>FS222.0283</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Bathurst Resources Limited and BT Mining Limited (FS89)</i>	<i>FS89.076</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Hapuka Landing Limited (FS233)</i>	<i>FS233.007</i>	<i>Oppose</i>	<i>Disallow</i>
Grey District Council (S608)	S608.650	Support in part	Reword policy to provide clarity on the focus and intent of the provision.

Analysis

176. This policy relates to areas of the coastal environment that are already substantially modified and where the major population centres of the West Coast are located. While, as I recommend in response to the mapping submissions, the removal of the towns of Westport, Greymouth and Hokitika from within the coastal environment, this policy will still apply to other modified areas including most of the small settlements on the West Coast (eg Karamea, Granity, Gladstone, Camerons, Arahura, Ruatapu, Ōkarito), a wide range of areas where primary production activities occur (including both mineral extraction and dairy farming), as well as scattered residential development. In many locations the extent of the coastal environment extends several kilometres inland. While there remain elements of natural character in these modified areas, they principally relate to areas close to the coastline, around stream and river mouths, wetlands and native vegetation.
177. Thirty two submitters support this policy. This support is noted.
178. Buller Conservation Group (S552.129) and Frida Inta (S552.129) seek that clause b. is deleted. I support these submissions, as I consider the reference to unmodified areas is not appropriate in this policy which is addressing areas where there is existing built development.

179. Ngāi Tahu (S620.204) seek that the policy is amended so that clause c.iii. allows for Poutini Ngāi Tahu Activities or Māori Purpose Activities rather than "cultural uses". I support this submission. I consider these defined terms are appropriate for use in this context.
180. Te Tumu Paeroa (S440.040) seeks that "cultural uses" should be defined if used in this policy. I support this submission in part, in that I consider the term should be replaced with a defined term – in this case Poutini Ngāi Tahu Activities.
181. Westpower Limited (S547.422) seeks that the first part of the policy is amended to replace the phrase "buildings and structures" with "use and development (including buildings and structures)". I support this submission in part. I consider replacing "buildings and structures" with "use and development" is appropriate, but I consider in that context "(including buildings and structures)" is unnecessary.
182. Ministry of Education (S456.021) seek the addition of a clause that refers to sufficient infrastructure capacity to service growth, including educational facilities. I do not support this submission. I consider that infrastructure capacity is dealt with in other parts of the plan (e.g. Zone provisions) and is not appropriate as a consideration within this policy – which is focussed on the management of effects on the natural and cultural values of coastal environment.
183. Department of Conservation (S602.148) seek several amendments to this policy. I support this submission in part. I support the deletion of the reference to "outstanding" natural character areas, as I agree this is not appropriate, as the focus of the policy is developed areas in the more modified parts of the coastal environment. They also seek that the reference to lawfully established uses continuing in these areas is deleted. I do not support this. They also seek that the adverse effects of activities with a functional need to locate in the coastal environment are managed in accordance with the effects management hierarchy and that the policy state that significant adverse effects on natural character are avoided and that adverse effects on natural character in areas of outstanding natural character are avoided. I do not support these amendments, in part because other amendments I have supported (deletion of clause b. and the reference to "outstanding" natural in clause c.) make some of these changes unnecessary. The focus of this policy is to support the Permitted Activities within the coastal environment and therefore I do not support the reference to the effects management hierarchy as there is no ability to place consent conditions on these.
184. Westpower Limited (S547.423) seek that clause c. be amended to refer to outstanding natural landscapes. I do not support this submission. As I discuss above this policy supports Permitted Activities outside of outstanding areas, therefore I consider this reference is inappropriate.
185. Westpower Limited (S547.424) seeks that the reference to functional need be amended to refer to "technical, locational, functional or operational constraints and requirements". I support this submission in part. As is discussed previously in this report I consider that "functional need or operational need" is the appropriate phrase in this context – given this policy relates to areas outside of those that have been identified as having significant values, and that the National Planning Standards definition of "operational need" includes technical and locational aspects.
186. Westpower Limited (S547.425) seek that clause c. iv. be amended to replace avoiding encroachment into unmodified areas with managing encroachment to enable appropriate subdivision, use or development to occur. I do not support this submission. The NZCPS Policies 11, 13 and 15 in particular all create an expectation of avoiding all adverse effects on identified outstanding and significant areas and significant adverse effects on natural character, landscape, natural features and biodiversity values. These values are most likely to be found in unmodified areas, therefore I consider that the "avoid" term used in the policy is consistent with this higher level direction.
187. Westpower Limited (S547.426) seeks that clause c.v. is amended to replace "minimise" with "avoided, remedied or mitigated". I support this submission, within the context of this policy applying outside of identified high and outstanding areas, I

consider that the phrase “avoided, remedied and mitigated” is more appropriate in this policy.

188. Forest and Bird (S560.286) seek a number of amendments to this policy. They seek:
 - To qualify the policy by adding “where it may be appropriate to”;
 - To delete the reference to modifications in clause a. arising due to primary production activities
 - To include within clause a. that the areas not be subject to a natural hazard overlay
 - To reorder clause c and revise a range of points within it. which relate to outstanding and high natural character – including referring to a new CE-PX [new policy giving effect to Policy 13 (a) and (b) of the NZCPS]; and protection of significant natural areas;
 - Amending clause c. i. in relation to lawfully established land uses and activities amending “provide for” to “make provision for” and adding “that manage adverse effects in accordance with provisions of this Plan”
 - Adding an addition to clause c. “ where the area is subject to a natural hazard overlay the activity is consistent with achieving NH objectives.
189. I do not support this submission with the exceptions of:
 - the addition of the word “activities” in clause a;
 - Replacing “minimises” with “avoided, remedied or mitigated”
190. The submitter seeks to add to this policy a number of matters that are dealt with in other chapters of the Plan – specifically natural hazards and significant natural areas. I do not support these additions as these matters are regulated in other areas. They also seek that the policy refer to a new Policy that I have not supported being included in the Plan. Overall the changes proposed seek to make this policy more restrictive in a way that I consider is inappropriate given the locations and activities to which the policy apply. In terms of the changes sought by the submitter to clause c, the changes I have recommended in relation to the submission point of the Department of Conservation may perhaps partly address the concern of the submitter, in that I recommend that the reference to “outstanding” areas be deleted from this policy.
191. Grey District Council (S608.650) seek that “minimise” be replaced with “mitigate”. I support this submission in part in that I have recommended in response to other submissions that the terms “avoided, remedied or mitigated” be used.

Recommendations

192. Amend Policy CE – P6 as follows:

CE - P6

Recognise that there are existing settlements and urban areas located within the coastal environment of the West Coast/Te Tai o Poutini including ~~parts~~ areas on the edges of Westport, Greymouth and Hokitika and enable ~~new subdivision, buildings and structures use and development within~~ and expansion of towns and settlements where:

- a. These activities are located in areas already modified by built development or primary production activities, or
- ~~b. Where located in unmodified areas, any adverse impact on natural character can be mitigated;~~
- c. In areas of ~~outstanding~~ or high natural character:
 - i. Provide for lawfully established land uses and activities to continue;
 - ii. Allow for other uses with a functional need or operational need to locate in the coastal environment;
 - iii. Allow for Poutini Ngāi Tahu ~~cultural uses~~ Activities and Māori Purpose Activities;
 - iv. Avoid encroachment into unmodified areas of the coastal environment; an

- v. Ensure subdivision and development is of a scale and design where adverse effects on the elements, patterns and processes that contribute to natural character are ~~minimised~~avoided, remedied or mitigated

193. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

9.8 Submissions on Policy CE – P7

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Craig Schwitzer (S96)	S96.022	Support	Retain this part of the plan
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.477	Support	Retain policy.
Russell and Joanne Smith (S477)	S477.013	Support	Retain as notified
Tim Macfarlane (S482)	S482.013	Support	Retain as notified
Claire & John West (S506)	S506.013	Support	Retain as notified
Lauren Nyhan Anthony Phillips (S533)	S533.013	Support	Retain as notified
Stewart & Catherine Nimmo (S559)	S559.013	Support	Retain as notified
Joel and Jennifer Watkins (S565)	S565.023	Support	Retain
Tim and Phaedra Robins (S579)	S579.020	Support	Retain
Snodgrass Road submitters (S619)	S619.044	Support	Retain Policy CE-P7
Grey District Council (S608)	S608.651	Support	Reword policy to provide clarity on the focus and intent of the provision.
Westpower Limited (S547)	S547.427	Amend	Amend: Reduction in public access to the coastal environment can be considered when ... significant natural hazard threat <u>or for health and safety reasons</u> . When assessing proposals natural hazard structures for a <u>reduction in public access methods to minimise potential</u> effects on public access should <u>will</u> be considered and ways to minimise them found, including: a ... b. Provision of public amenity or opportunity for environmental benefit along the, <u>including along any natural hazard mitigation structure</u> , provided that the physical integrity and function of the structure, and health and safety is maintained.
<i>Herenga ā Nuku Aotearoa, Outdoor Access Commission (FS53)</i>	<i>FS53.1</i>	<i>Oppose in part</i>	<i>Disallow in part</i>

Analysis

194. Five submitters support this policy. This support is noted.
195. Westpower Limited (S547.427) seek that this policy is amended to allow for reduction in public access where there is a health and safety reason, and some further amendments to accommodate this change to the policy. I support this submission. The dynamic nature of the coastal environment means that erosion processes in particular can create risks for public access, as well as risks from land instability. These issues may not be addressed through the creation of natural hazard mitigation structures, but will warrant a reduction in public access. In locations such as ports, or industrial areas or other land uses within the main towns and settlements, there may also be a reasonable need to reduce public access in order to protect public health and safety.
196. Grey District Council (S608.651) opposes the word "minimise" as they consider that the priority should be placed on natural hazard management as maintaining public access would increase the cost of natural hazard protection works. I do not support this submission. This policy is in place recognising that at times there may be an impact on public access to the coast where there is a significant hazard that needs to be addressed. It is important to recognise that maintaining public access to the coast is a matter of national importance under the RMA, so this policy aims to provide some guidance in how to manage this matter.

Recommendations

197. That the following amendments are made to Policy CE – P7

Policy CE – P7

Reduction in public access to the coastal environment can be considered when coastal hazard mitigation works are required to protect communities from a significant natural hazard threat or for health and safety reasons. When assessing proposals for ~~natural hazard structures~~ a reduction in public access, measures to minimise effects-on public access should will be considered and ways to minimise them found, including:

- a. Provision of alternate certain and enduring access; and
 - b. Provision of public amenity or opportunity for environmental benefit including along the any natural hazard mitigation structure, provided that the physical integrity and function of the structure is maintained.
198. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

9.9 Submissions on Policy CE – P8

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Craig Schwitzer (S96)	S96.023	Support	Retain this part of the plan
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.478	Support	Retain policy.
Transpower New Zealand Limited (S299)	S299.068	Support	Retain the policy
Royal Forest & Bird Protection Society of NZ Inc. (Forest & Bird) (FS34)	FS34.034	Oppose	Disallow

Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.288	Oppose	Delete
<i>Transpower NZ Ltd (FS110)</i>	<i>FS110.039</i>	<i>Oppose</i>	<i>Disallow</i>
KiwiRail Holdings Limited (S442)	S442.076	Amend	Amend as follows: Enable the maintenance, repair and operation of <u>critical infrastructure</u> and the National Grid. Where new development and upgrades of <u>critical infrastructure</u> and the National Grid are required, seek to avoid and otherwise remedy or mitigate adverse effects on Overlay Chapter areas.
Buller Conservation Group (S552)	S552.130	Amend	Where new development and upgrades of the National Grid are required in areas indicated in Overlay Chapter areas, seek to avoid and or otherwise remedy or mitigate adverse effects
Frida Inta (S553)	S553.130	Amend	Where new development and upgrades of the National Grid are required <u>in areas indicated in Overlay Chapter areas</u> , seek to avoid and or otherwise remedy or mitigate adverse effects. on Overlay Chapter areas.
<i>Transpower NZ Ltd (FS110)</i>	<i>FS110.041</i>	<i>Oppose</i>	<i>Disallow</i>
Department of Conservation (S602)	S602.149	Amend	Amend: Enable the maintenance, repair and operation of the National Grid. Where new development and upgrades of the National Grid are required, seek to avoid and otherwise remedy or mitigate <u>apply the effects management hierarchy to manage</u> adverse effects on Overlay Chapter areas.
<i>Transpower NZ Ltd (FS110)</i>	<i>FS110.040</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Buller District Council (FS149)</i>	<i>FS149.0131</i>	<i>Support</i>	<i>Allow</i>
Grey District Council (S608)	S608.652	Support in part	Reword this policy to provide for the maintenance repair and operation of regionally significant infrastructure that is existing.
<i>Buller District Council (FS149)</i>	<i>FS149.0152</i>	<i>Support</i>	<i>Allow</i>

Analysis

199. Three submitters support this policy. This support is noted.
200. Buller Conservation Group (S552.130) and Frida Inta (S552.130) seek that CE – P8 is rephrased or combined with clause d of Policy CE – P3 as they consider that this is a repeat.
201. I support these submissions.
202. I note that CE – P3 applies to areas of outstanding and high coastal natural character and outstanding coastal natural features, not the wider coastal

environment where these scheduled areas are not located. However the reference in the policy to "Overlay Chapter areas" includes Significant Natural Areas, Historic Heritage, Sites and Areas of Significance to Māori and Notable Trees that are not addressed within Policy 3. These matters are all managed in other parts of the Plan however, so I consider the reference to "overlay chapter areas" is of limited utility within this policy. This policy is included to specifically give effect to Policy 2 of the WCRPS which relates to the national grid.

203. Policy 2 of the WCRPS coastal environment chapter states:

(1) In the case of the National Grid, operation, maintenance or minor upgrading of existing National Grid infrastructure shall be enabled.

(2) In the case of the National Grid, following a route, site and method selection process and having regard to the technical and operational constraints of the network, new development or major upgrades of the National Grid shall seek to avoid adverse effects, and otherwise remedy or mitigate adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes, and areas of high and outstanding natural character located within the coastal environment. In some circumstances, adverse effects on the values of those areas must be avoided.

204. I consider that the parts of the policy that are not addressed by Policy CE – P3 relate to the general direction in clause 1 of Policy 2. I therefore recommend that Policy CE – P8 is amended to focus on the matters in clause 1 and is rephrased as follows:

Enable the maintenance, repair, and operation and minor upgrade of the National Grid. ~~Where new development and upgrades of the National Grid are required, seek to avoid and otherwise remedy or mitigate adverse effects on Overlay Chapter areas.~~

205. Department of Conservation (S602.149) seek that this policy is amended to replace "seek to avoid, and otherwise remedy or mitigate" adverse effects is replaced with "apply the effects management hierarchy to manage". I do not support this submission as I note that based on my recommendations above, the reference to Overlay Chapters is deleted.

206. Forest and Bird (S560.288) seek that this policy is deleted. I do not support this submission as I consider that the policy, with modifications, is appropriate to give effect to the WCRPS Policy 2 of Chapter 9.

207. Grey District Council (S608.652) and KiwiRail (S442.076) seek that this policy is expanded to critical/regionally significant infrastructure. I do not support these submissions. The Policies of the WCRPS are clear that the enabling and supportive direction within the coastal environment relates to the National Grid and renewable electricity generation activities, not regionally significant or critical infrastructure more widely.

Recommendations

208. That the following amendments be made to Policy CE – P8:

CE - P8 Enable the maintenance, repair, and operation and upgrade of the National Grid. ~~Where new development and upgrades of the National Grid are required, seek to avoid and otherwise remedy or mitigate adverse effects on Overlay Chapter areas.~~

209. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

10.0 Submissions on the Rules that affect the whole Coastal Environment

10.1 Submissions on the Rules as a Whole

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Submissions on Rules as a Whole			
Snodgrass Road submitters (S619)	S619.045	Amend	Retain Rules CE-R1 - CE-R22 subject to the specific amendments to Rule CE-R4 and CE-R12 set out in the submission below.
KiwiRail Holdings Limited (S442)	S442.078	Support	Retain Permitted Activities as proposed
Transpower New Zealand Limited (S299)	S299.069	Oppose	Amend the rules section to state that none of the rules in this chapter apply to Energy Activities, and that only the Energy Chapter applies - this may require shifting or drafting of new rules in the Energy Chapter. Alternatively, it should be very clear which rules apply to the National Grid and whether the rules in this Chapter apply in addition to the Energy Chapter rules. Note that ENG-P8 takes precedence for the National Grid over any policies in this chapter.
<i>Department of Conservation (FS122)</i>	<i>FS122.030</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Royal Forest & Bird Protection Society of NZ Inc. (Forest & Bird) (FS34)</i>	<i>FS34.035</i>	<i>Support</i>	<i>Disallow</i>
Transpower New Zealand Limited (S299)	S299.060	Support in part	Clarify the relationship between activities within the Energy Chapter and those within the Coastal Environment Chapter
<i>Royal Forest & Bird Protection Society of NZ Inc. (Forest & Bird) (FS34)</i>	<i>FS34.033</i>	<i>Oppose in part</i>	<i>Allow in part</i>
<i>Westpower Limited (FS222)</i>	<i>FS222.0362</i>	<i>Support in part</i>	<i>Not stated</i>
Robert Burdekin (S378)	S378.001	Neutral	Clarification of what the intent and anticipated outcome is for property identified as being in a "Coastal Environment" under the TTPP.

Buller District Council (S538)	S538.287	Oppose in part	Review the Rule headings to ensure consistency across the rule framework and improve readability e.g. The headings for Rules 6 and 7 could be shortened to: Maintenance, Alteration, Repair and Reconstruction of Natural Hazard Mitigation Structures and associated earthworks in the High Coastal Natural Character Overlay the Coastal Environment within identified in Schedule Seven. Earthworks within the Coastal Environment in the High Coastal Natural Character Overlay identified in Schedule Seven
Inger Perkins (S462)	S462.021	Amend	Amend the Permitted Activity rules that allow clearance of vegetation in the coastal environment to prevent clearance of any vegetation that provides habitat for indigenous coastal species.
<i>Westpower Limited (FS222)</i>	<i>FS222.0169</i>	<i>Oppose</i>	<i>Disallow</i>
Inger Perkins (S462)	S462.022	Amend	Include additional Advice Note to the Permitted Activity Rules as follows: "Any clearance of vegetation that may provide habitat for indigenous coastal species is subject to the provisions of the Ecosystems and Indigenous Biodiversity Chapter." Or adapt Point 1: "Any indigenous vegetation clearance (or other vegetation clearance that may provide habitat for indigenous coastal species) associated with maintenance and repair is subject to the provisions in the Ecosystems and Indigenous Biodiversity Chapter."
<i>Paul Elwell-Sutton (FS74)</i>	<i>FS74.5</i>	<i>Support</i>	<i>Allow</i>
Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited (S464)	S464.007	Amend	Exclude Settlement Zone areas from Coastal Environment provisions.
<i>Hapuka Landing Limited (FS233)</i>	<i>FS233.009</i>	<i>Support</i>	<i>Allow</i>
Jane Whyte & Jeff Page (S467)	S467.037	Oppose	Do not apply these rules to Punakaiki Village
Greg Maitland (S571)	S571.012	Amend	Make rules more enabling of development
Frank and Jo Dooley (S478)	S478.002	Oppose	Revise the rules to make more enabling of development.
Avery Brothers (S609)	S609.085, S609.086	Amend	Amend rules to be more enabling of development.

Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.533	Amend	Amend: Additions and alterations are addressed across the coastal environment within the same rule as for new buildings and structures
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.534	Amend	Amend: That provision for minor upgrades on the National Grid may be appropriate at the permitted level given the distinction from other upgrades under the NPS for ET, but that other upgrades for infrastructure more restricted requirements as for new activities should apply.
<i>Westpower Limited (FS222)</i>	<i>FS222.0286</i>	<i>Oppose</i>	<i>Disallow</i>
Joel and Jennifer Watkins (S565)	S565.021	Amend	Amend to provide for buildings and structures within the coastal environment of an appropriate scale.
Cape Foulwind Staple 2 Ltd (S568)	S568.013	Amend	Consider whether there needs to be a specific maximum building coverage within the Coastal Environment depending on Zone.
Submissions on Controlled, Restricted Discretionary or Discretionary Activity Rules			
John Brazil (S360)	S360.041	Oppose in part	Amend Controlled Activity Rules to be more enabling of development.
Chris J Coll Surveying Limited (S566)	S566.294	Support	Amend Controlled Activity Rules to be more enabling of development.
William McLaughlin (S567)	S567.358	Support	Amend Controlled Activity Rules to be more enabling of development.
Laura Coll McLaughlin (S574)	S574.294	Support	Amend Controlled Activity Rules to be more enabling of development.
John Brazil (S360)	S360.042	Oppose in part	Amend Restricted Discretionary Activity Rules to be more enabling of development.
William McLaughlin (S567)	S567.365	Amend	Amend Discretionary Activity Rules to be more enabling of development.
Te Runanga o I Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620)	S620.207	Amend	Include <u>Archaeological sites</u> as a matter for discretion for all restricted discretionary activities within this chapter.
Submissions Seeking New Rules			

Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.309, S560.038	Oppose	Add a new Discretionary rule for Plantation forestry as follows: <u>CE – R20A Afforestation with Plantation Forestry in the Coastal environment outside High Coastal Natural Character and Outstanding Coastal Environment Area overlays Activity Status Discretionary Where: the area of afforestation does not include any biodiversity meeting the significance criteria in Appendix 1 of the WCRPS. Advice Note: 1. When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes policies will be required. 2. This rule also applies to Plantation forestry activities where this provision is more stringent than the NES – PF. Activity status where compliance not achieved: NC</u>
New Zealand Defence Force (S519)	S519.033	Amend	Include a new Rule CE – RX to state: <u>Temporary Military Training Activity within the Coastal Environment Activity Status Permitted Advice Note: 1. Any indigenous vegetation clearance associated with a Temporary Military Training Activity is subject to the provisions in the Ecosystems and Indigenous Biodiversity Chapter. 2. Works shall not undermine or have an adverse effect on any hazard mitigation /protection measure that exists within the coastal environment. 3. All buildings and structures associated with TMTA shall meet the permitted activity standards of CE-R4 to CE – R11 as relevant. 4. Where activities occur within Scheduled areas included within other Overlay Chapter Areas, then the relevant Overlay Chapter Rules also apply. Activity status where compliance not achieved: Restricted Discretionary</u>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.289	Amend	Amend and restructure the CE rules so that: ‘ Conditions for earthworks are included within the same rule as the activities to which they, unless the EW rules can be relied upon in which case a condition or information note to that effect should be included. ‘There in one permitted activity rule for maintenance and repair of lawfully established activities which includes the more restrictive requirement within overlays

<i>Westpower Limited (FS222)</i>	<i>FS222.0284</i>	<i>Oppose</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.312	Not Stated	Add a discretionary rule for activities in the Coastal Environment that are not specifically provided for under the other CE rules.
<i>TiGa Minerals and Metals Limited (FS104)</i>	<i>FS104.048</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Westpower Limited (FS222)</i>	<i>FS222.0285</i>	<i>Oppose</i>	<i>Disallow</i>
<i>WMS Group (HQ) Limited and WMS Land Co. Limited (FS231)</i>	<i>FS231.051</i>	<i>Oppose</i>	<i>Disallow</i>
Department of Conservation (S602)	S602.165	Amend	Add an additional Rule: <u>XXX Activities, structures, buildings and earthworks not provided for in another Rule</u> <u>Activity status: Non-complying</u>
<i>Silver Fern Farms Limited (FS101)</i>	<i>FS101.020</i>	<i>Oppose</i>	<i>Disallow</i>
<i>TiGa Minerals and Metals Limited (FS104)</i>	<i>FS104.049</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Westpower Limited (FS222)</i>	<i>FS222.096</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Bathurst Resources Limited and BT Mining Limited (FS89)</i>	<i>FS89.027</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Grey District Council (FS1)</i>	<i>FS1.373</i>	<i>Oppose in part</i>	<i>Disallow in part</i>
<i>WMS Group (HQ) Limited and WMS Land Co. Limited (FS231)</i>	<i>FS231.052</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Hapuka Landing Limited</i>	<i>FS233.0010</i>	<i>Oppose</i>	<i>Disallow</i>

Analysis

210. Snodgrass Road submitters (S619.045) support Rules CE-R1 - CE-R22 subject to the specific amendments to Rule CE-R4 and CE-R12 set out in their submission. KiwiRail Holdings Limited (S442.078) support the Permitted Activities. This support is noted.
211. Transpower New Zealand Limited (S299.069) seek that the rules section is amended to state that none of the rules in this chapter apply to Energy Activities, and that only the Energy Chapter applies. Alternatively (S299.069 and S299.060) they seek that this chapter be clear which rules apply to the National Grid and whether the rules in this Chapter apply in addition to the Energy Chapter rules. I support the alternative relief in these submissions points in part. All of the District Wide Chapters apply to Energy Activities – and all other infrastructure. I recommend an amendment to the Overview section that provides this clarification under the Other Relevant Provisions part of the Overview as follows:

Energy, Infrastructure and Transport – These chapters contain the objectives, policies, rules for managing energy activities, infrastructure and transport. These apply alongside the District Wide rules including the Coastal Environment provisions within this chapter.

212. Robert Burdekin (S378.001) seeks clarification of what the intent and anticipated outcome is for property identified as being in a "Coastal Environment" under the TTPP. I support this submission in part in that I consider that the overview chapter provides an explanation of the chapter and the provisions. As a landowner within

the coastal environment I understand from Mr Burdekin's submission that he is concerned about how – or whether – the identification of his property in the coastal environment affects him. I consider this is not a matter for plan provisions, but for direct conversation with the Buller District Council in relation to activities that Mr Burdekin wants to undertake.

213. Buller District Council (S538.287) seek a review of consistency across the rule framework to improve readability, they also propose some amendment to headings. I support this submission in part, in that I agree there is a need for consistency, and I address this through the changes I recommend in relation to specific rules in the chapter. I note the reference to cumbersome rule naming and support amendments to the names of Rule CE – R5, CE – R6, CE – R7, CE – R12 and CE – R14 to remove the words "identified in Schedule Seven" and "in the Coastal Environment" from the names of these rules.
214. Inger Perkins (S462.021) seeks that the Permitted Activity rules that allow clearance of vegetation in the coastal environment is changed to prevent clearance of any vegetation that provides habitat for indigenous coastal species. I do not support this submission. I consider this submission point has been incorrectly allocated to this topic and should have been addressed in the ecosystems and indigenous biodiversity report. This matter was discussed in that report in relation to another submission point from that submitter. I am concerned that without on site assessment there is no way of determining whether vegetation might provide habitat for indigenous coastal species. What this submitter is seeking is that any vegetation – whether it be weeds or exotic vegetation, be required to be assessed in relation to this question. I did not support that proposal in the Ecosystems and Biodiversity s42A report and I retain that view. I consider that if there are areas of exotic vegetation that provide significant habitat for coastal species these should be specifically identified and scheduled within the Plan.
215. Inger Perkins (S462.022) seeks that the advice notes referring the Plan user to the ecosystems and indigenous biodiversity chapter are amended to refer to clearance of "other vegetation that may provide habitat for indigenous coastal species". I do not support this submission, for the same reasons I have outlined in the paragraph above.
216. Foodstuffs (S464.007) seek that the Settlement Zone areas be excluded from the coastal environment provisions. I do not support this submission. I have discussed this issue with Bridget Gilbert in relation to her landscape review. Her full report is provided at Appendix 3, but in relation to this issue, while she supports the exclusion of urban Westport, Greymouth and Hokitika from the Coastal Environment, she does not support the exclusion of smaller settlements where there is significant natural character remaining being excluded.
217. However the rules are designed to recognise the levels of existing development and ensure that where the area is less developed/more natural, that development avoids significant adverse effects on the natural character, features and landscapes of the coastal environment. I do note that as notified, the extent of the coastal environment includes the township of Market Cross at Karamea, which does have a Four Square supermarket located within it. However my recommendations in relation to the mapping of the extent of the coastal environment are to amend this to exclude that township, and while I do not recommend any amendments to the Plan as a result of this submission, that change may provide some relief to the concerns of the submitter.
218. Jane Whyte & Jeff Page (S467.037) seek that the coastal environment rules do not apply to Punakaiki Village. I do not support this submission. I do note that Punakaiki Village also falls within the Settlement Zone: Coastal Settlement Precinct, which has in most instances more restrictive rules than those that are proposed in the Coastal Environment provisions. This is because of the very high and widespread outstanding natural values within the Punakaiki area. These values are intrinsically linked to its location within the coastal environment.
219. Greg Maitland (S571.012), Frank and Jo Dooley (S478.002) and Avery Brothers (S609.085, S609.086) seek that the rules be amended to be more enabling of

- development. I do not support these submissions. The submitters do not provide any specific information on what aspect of the rules is too restrictive, or how they could be amended in a way that fits with the requirements of the NZCPS and WCRPS.
220. Forest and Bird (S560.533) seek that additions and alterations are addressed across the coastal environment within the same rule as for new buildings and structures. I do not support this submission. Outside of identified outstanding and high value areas, I do not consider that it is necessary or appropriate to restrict additions and alterations to existing buildings and that this would create an unreasonable degree of regulation on many properties within the coastal environment.
 221. Forest and Bird (S560.534) seek that upgrades for infrastructure other than the National Grid be subject to more restrictive provisions and not be provided for at a permitted activity level. I do not support this submission. I consider that there is considerable variability in natural character and values across the coastal environment, and that the rules need to reflect this. In modified parts of the coastal environment Permitted upgrades of most infrastructure I consider to be appropriate and it is only within the areas of identified significant values that further restrictions should be put in place.
 222. Joel and Jennifer Watkins (S565.021) seek that the rules be amended to provide for buildings and structures within the coastal environment of an appropriate scale. They consider that the provisions that flow on from Policy 5 do not implement this policy. I do not support this submission. I note that Policy 5 specifically refers to buildings being “of a size scale and nature that is appropriate to the area”. I consider the rules developed reflect this, in that they differentiate between the existing established urban areas and towns from the less intensively developed parts of the coastal environment.
 223. Cape Foulwind Staple 2 Ltd (S568.013) seek consideration of a specific maximum building coverage within the Coastal Environment depending on Zone. I do not support this submission. I consider that building coverage (as a subset of site coverage) is sufficiently managed within the zone provisions.
 224. John Brazil (S360.041, S360.042), Chris J Coll Surveying Limited (S566.294), William McLaughlin (S567.358, S567.365) and Laura Coll McLaughlin (S574.294) seek that resource consent requirements be amended to make various rules more enabling of development. I do not support these submissions. These submitters have a general concern about the level of restriction created by the rules, but I consider that these are appropriate, with amendments as I recommend in specific rules to give effect to the requirements of the NZCPS and the WCRPS.
 225. Ngāi Tahu (S620.207) seek that “archaeological sites” be added as a matter of discretion for all restricted discretionary activities within this chapter. I support this submission. As I have noted in the s42A reports for Historic Heritage and Sites and Areas of Significance to Māori, there is a paucity of accurate information around the archaeological resources on the West Coast. Poutini Ngāi Tahu had extensive occupation and use of the coastal environment in past times, and there are large numbers of identified – but also unidentified, archaeological sites across the West Coast.
 226. Forest and Bird (S560.309, S560.308) seek that there be a new Discretionary Activity Rule for Afforestation with Plantation Forestry in the coastal environment outside of identified areas of high and outstanding coastal natural character.
 227. I support this submission in part.
 228. It is possible to be more stringent than the NES – CF in relation to afforestation and currently the Plan proposes this in Rule CE – R20 but only in relation to outstanding areas. I support this submission in part. I do consider that the establishment of plantation (commercial) forestry with *exotic* species within the wider coastal environment should be regulated where this is associated with clearance of indigenous vegetation. It would be highly undesirable to see areas of indigenous coastal vegetation cleared to be replaced by exotic species. But I consider that there are other, more modified parts of the coastal environment where establishment of commercial forestry could be entirely appropriate and therefore do

- not support the Forest and Bird proposal in its entirety but instead propose a new Restricted Discretionary Activity Rule CE – RXX be included in the Plan “Afforestation with Commercial Forestry in the Coastal Environment outside of High and Outstanding Coastal Natural Character Areas Where this requires the clearance of indigenous vegetation beyond the Permitted Activity Standard”.
229. New Zealand Defence Force (S519.033) seek a new Permitted Activity Rule CE – RXXX around temporary military training activities. I do not support this submission. Temporary military training activities are provided for within the Temporary Activities chapter. The New Zealand Defence Force has not provided information about what aspects of their activity they seek to be provided for within this rule. The submission states that they seek a rule that requires all Permitted Activity standards to be met, in which case there is no need for a rule as the activity would be covered by other provisions.
 230. Forest and Bird (S560.289) seek that the rules be amended and restructured so that conditions for earthworks are included within the same rule as the activities to which they relate, unless the EW rules can be relied upon in, which case a condition or information note to that effect should be included. There is one permitted activity rule for maintenance and repair of lawfully established activities which includes the more restrictive requirement within overlays. I support this submission in part. I do propose some significant restructuring of the rules in response to a range of submissions and I do propose some addition of provisions around earthworks in some rules, but not to the extent sought by this submitter.
 231. I note that in the General Rural Zone there are no restrictions on the volume or area of earthworks, however the earthworks provisions in the General District Wide Matters section of TTPP do place restrictions on the location and management of earthworks and how these are managed under the General Standards (EW – R1). I have looked at this issue carefully and also considered other recent district plans and conclude that generally further regulation of earthworks as sought by Forest and Bird is not appropriate. However I do consider that giving effect to Policies 22 (Sedimentation) and Policy 13 (Natural Character) of the NZCPS may require some additional restriction on earthworks in some instances and I discuss this further in relation to the specific rules.
 232. Forest and Bird (S560.312) seek a new discretionary activity rule for activities that are not regulated under the other coastal environment rules. Department of Conservation (S602.165) seek a catch all rule that applies to activities, structures, buildings and earthworks not provided for in another rule as a non-complying activity. I do not support these submissions. The rule framework in the coastal environment chapter focuses on the key matters that could affect natural character and landscape values. I do not consider a “catch all” rule requiring that other activities require a Discretionary on Non-complying Activity resource consent is appropriate as it could create a significant regulatory burden for activities with negligible adverse effects. I note that other parts of the district wide rules also regulate activities in the coastal environment –e.g. hazards in the natural hazards chapter, indigenous vegetation clearance in the ecosystems and biodiversity chapter. I am not aware of building, structures or earthworks that the existing rules (with the amendments I recommend) leave “hanging” and need the addition of a “catch all” discretionary or non-complying activity rule. If there are activities which the submitters consider are not addressed within the Plan I consider it would be more appropriate to consider how those specific activities should be regulated, rather than provide a “catch all” provision that could lead to unintended consequences. I invite the submitters to provide more information at the hearing about what specific activities they are concerned about.

Recommendations

233. That an additional matter of discretion “effects on any archaeological sites” is added as a matter of discretion to Rules CE – R13, CE – R14, CE – R15 and CE – R18.
234. That the names of Rules CE – R5, CE – R6, CE – R7, CE – R12 and CE – R14 are to remove the words “identified in Schedule Seven” and “in the Coastal Environment”.

235. That a new Rule CE – RXXX be added to the Plan as follows:

CE – RXX Afforestation with Commercial Forestry in the Coastal Environment outside of High and Outstanding Coastal Natural Character Areas Where this requires the clearance of indigenous vegetation beyond the Permitted Activity Standards in Rule ECO – R2.

Activity Status: Restricted Discretionary

Discretion is restricted to:

- a. Any requirements for landscape evaluation;
- b. The extent to which the site is visible from a road or public place;
- c. The effects on the natural character of the coast;
- d. The effects on Poutini Ngāi Tahu values, any archaeological sites, historic heritage or on any Site and Areas of Significance to Māori identified in Schedule Three;
- e. The effects on potential or current public access to the coast;
- f. Area and location of any indigenous vegetation clearance;
- g. The effects on natural landscapes and natural features of the coastal environment

Advice Notes:

1. When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes policies will be required.
2. This rule also applies to commercial forestry activities where this provision is more stringent than the NES - CF.

Activity status where compliance not achieved: N/A

236. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

10.2 Submissions on Rule CE – R1 Maintenance and repair of lawfully established structures, network utilities, renewable electricity generation, fence lines and tracks within the Coastal Environment

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.479	Support	-
John Brazil (S360)	S360.033	Support	Retain as notified
Waka Kotahi NZ Transport Agency (S450)	S450.135	Support	Retain as proposed.
Leonie Avery (S507)	S507.065 S507.091	Support	Retain as notified.
Jared Avery (S508)	S508.065 S508.091	Support	Retain as notified.
Kyle Avery (S509)	S509.065 S509.091	Support	Retain as notified.
Avery Bros (S510)	S510.065 S510.091	Support	Retain as notified.

Bradshaw Farms (S511)	S511.065 S511.091	Support	Retain as notified.
Paul Avery (S512)	S512.065 S512.091	Support	Retain as notified.
Brett Avery (S513)	S513.065 S513.091	Support	Retain as notified.
Steve Croasdale (S516)	S516.072	Support	Retain
Chris & Jan Coll (S558)	S558.287	Support	Retain
Federated Farmers of New Zealand (S524)	S524.089	Support	Retain as notified.
Neil Mouat (S535)	S535.041	Support	Retain as notified.
Buller District Council (S538)	S538.288	Support	Retain as notified.
Geoff Volckman (S563)	S563.064	Support	Retain
Catherine Smart-Simpson (S564)	S564.070	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.287	Support	Retain
William McLaughlin (S567)	S567.351	Support	Retain
Laura Coll McLaughlin (S574)	S574.287	Support	Retain
Avery Brothers (S609)	S609.057 S609.083	Support	retain
Karamea Lime Company (S614)	S614.092	Support	Retain
Peter Langford (S615)	S615.092	Support	Retain
KiwiRail Holdings Limited (S442)	S442.077	Amend	Amend as follows: Maintenance and repair of lawfully established structures, network utilities, <u>critical infrastructure, railway</u> , renewable electricity generation, fence lines and tracks within the Coastal Environment.
Westpower Limited (S547)	S547.428	Oppose	Avoid conflict between this rule and rules in the areas of High Coastal Natural Character and Outstanding Coast Environment by deleting item "1." In its entirety.
Westpower Limited (S547)	S547.429	Amend	Amend heading to read: <u>Operation, maintenance, repair, minor upgrade and upgrade</u> of lawfully established structures, network utilities, renewable energy generation, <u>energy activities and critical infrastructure</u> , fence lines and tracks within the Coastal Environment.
<i>Department of Conservation (FS122)</i>	<i>FS122.032</i>	<i>Oppose</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.290	Amend	Delete "lawfully established" from the rule heading
<i>Bathurst Resources Limited and BT Mining Limited (FS89)</i>	<i>FS89.077</i>	<i>Oppose</i>	<i>Disallow</i>

Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0536	Amend	Add and amend the following conditions to CE-R1: Where: <u>1. The building, structure, infrastructure, fence, accessway, cycle/walking or farm track is lawfully established; and 2. Any indigenous vegetation clearance complies with ECO-R1; and 3. Earthworks and land disturbance does not exceed 50m3 or extend beyond 10 meters of a building or structure and 2 meters of an accessway or track. 4. There is no alteration or addition to the structures height and area footprint is not increased; and 5. The width or length of any access or track is not increased; and 6. Works are not undertaken within 10m of any hazard mitigation/protection measure that exists within the coastal environment; and 1-7. When the maintenance and repair is within an area of High Coastal Natural Character or the Outstanding Coastal Environment Area:</u> The activity is limited to what is necessary to maintain the existing structure, within the footprint or modified ground compromised by the existing structure; and The activity does not involve the installation of any new structures."
<i>Hapuka Landing Limited (FS233)</i>	<i>FS233.011</i>	<i>Oppose</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0537	Amend	Set the activity status where compliance is not achieved is Restricted discretionary or discretionary and refer to specific rules where possible
Grey District Council (S608)	S608.654	Support in part	Reword this provision or add additional provisions to CE - R1 to clarify the activity status outside of the two areas referred to. Insert activity status where compliance not achieved.
Grey District Council (S608)	S608.653	Support in part	Clarification on how this wording corresponds to standard best practice in the planning sector.

Analysis

237. Seventeen submitters support this Rule CE – R1. This support is noted.
238. KiwiRail (S442.077) seek that critical infrastructure and railways are added to the rule title. I support this submission in part in that I support the addition of “regionally significant infrastructure” to the rule. I note that the railway is identified within this definition so it is not necessary to specifically refer to it in the rule.
239. Westpower Limited (S547.428) seek that standard 1 is removed from the rule as they consider that it conflicts with Rules CE – R5 to CE – R11 which manage activities in the High and Outstanding Coastal Natural Character Overlays. I do not

- support this submission. Rule CE – R1 is intended to create a clear provision that indicates that maintenance and repair of these lawfully established structures and activities are permitted throughout the coastal environment where they occur. If standard 1 was deleted then there would be a need to undertake consequential amendments to several other rules, making these more complex. I do not consider that an efficient approach.
240. Westpower Limited (S547.429) seeks that “minor upgrade and upgrade” be added to the rule, and that it also refer to “energy activities and critical infrastructure”. I support this submission in part. I do not support the addition of minor upgrade and upgrade into the rule. This rule applies across the coastal environment – including the most sensitive areas. It is intended to provide for maintenance and repair only, with more specific provisions applying in the High Coastal Natural Character Overlay and the Outstanding Coastal Environment Area with appropriate performance standards. Rule CE – R4 deals with buildings and structures outside of maintenance and repair. I also do not support the addition of “energy activities” and note that the rule already applies to network utilities and renewable electricity generation so that this would be a duplication. I support the addition of “regionally significant” (critical) infrastructure into the rule.
 241. Forest and Bird (S560.290) seek that “lawfully established” is deleted from the rule heading. They are concerned that the rule does not include standards for maintenance and repair activities to ensure effects on indigenous biodiversity are appropriately avoided, remedied or mitigated. I do not support this submission, as impacts on indigenous biodiversity are managed in the Ecosystems and Indigenous Biodiversity Chapter. Advice note 1. to this rule specifically states that any indigenous vegetation clearance associated with maintenance and repair is subject to the provisions in the Ecosystems and Indigenous Biodiversity Chapter and I consider this is sufficient.
 242. Forest and Bird (S560.0536) seek that the rule be redrafted to include a wide range of performance standards that restrict the extent of these activities. I do not support this submission. The changes proposed would put significant restriction on the maintenance and repair of existing, lawfully established structures across a large area of modified coastal land on the West Coast including many of the small settlements. In many locations the coastal environment boundary extends a long way inland – also encompassing large areas of farmland – for example at Barrytown and Karamea. I consider that the restrictions proposed by Forest and Bird are excessive within that context. I do acknowledge however that there is considerable rural land area, which includes a mosaic of vegetation and natural character values which are important in the context of the coastal environment, but are not specifically identified as scheduled areas. However these areas are subject to Rule ECO – R2 which relates to vegetation clearance within the coastal environment.
 243. One of the matters that Forest and Bird seek to restrict is earthworks. The General District Wide rules around earthworks include general standards around sediment control and other matters to mitigate general adverse effects of earthworks. I consider that the addition of an advice note referring the Plan user to the Earthworks general standards (EW – R1) would therefore be a useful addition in this instance.
 244. Forest and Bird (S560.0537) seek that where compliance is not achieved this rule escalates to specific Restricted Discretionary or Discretionary Activity Rules. I do not support this submission. This rule does not provide for new activities, but for maintenance and repair of existing lawfully established activities. I consider that these activities are appropriately Permitted.
 245. Grey District Council (S608.654) seek clarity about what the activity status is for the listed activities where these are outside of the High or Outstanding Coastal Environment. I support this submission and recommend that the rule is amended so that it states: Activity Status Where Compliance Not Achieved: N/A
 246. Grey District Council (S608.653) is concerned that the restrictions in Rule NC – R1 render the other Permitted Activity rules unusable. This submission point came from the infrastructure team of the Council and the submitter appears to be unclear about

the interaction between the rules. I do not support this submission. Unlike zone rules, there is no reference within the rule set back to Rule 1 – this is a stand alone rule providing a permitted activity across the entire coastal environment. Other rules deal with activities outside of maintenance and repair.

Recommendations

247. That the following amendments are made to Rule CE – R1:

CE - R1 Maintenance and repair of lawfully established structures, network utilities, renewable electricity generation, regionally significant infrastructure fence lines and tracks within the Coastal Environment
Activity Status Permitted

Where:

1. When the maintenance and repair is within an area of High Coastal Natural Character or the Outstanding Coastal Environment:
 - a. The activity is limited to what is necessary to maintain the existing structure, within the footprint or modified ground compromised by the existing structure; and
 - b. The activity does not involve the installation of any new structures.

Advice Note:

1. Any indigenous vegetation clearance associated with maintenance and repair is subject to the provisions in the Ecosystems and Indigenous Biodiversity Chapter.
2. Works shall not undermine or have an adverse effect on any hazard mitigation/protection measure that exists within the coastal environment.
3. Where activities occur within Scheduled areas included within other Overlay Chapter Areas, then the relevant Overlay Chapter Rules also apply.

Activity status where compliance not achieved: N/A

1. Refer to relevant rules for the High Coastal Natural Character Area and Outstanding Coastal Environment.
2. Where earthworks are proposed as part of maintenance and repair, refer to the Earthworks Rules for specific zone – based requirements

248. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

10.3 Submissions on Rule CE – R2 Conservation Activities within the Coastal Environment

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.480	Support	
Steve Croasdale (S516)	S516.073	Support	Retain
Buller District Council (S538)	S538.289	Support	Retain as notified.
Chris & Jan Coll (S558)	S558.288	Support	Retain
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.291	Oppose	Delete
Chris J Coll Surveying Limited (S566)	S566.288	Support	Retain

William McLaughlin (S567)	S567.352	Support	Retain
Laura Coll McLaughlin (S574)	S574.288	Support	Retain
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0575	Amend	Adding the following condition: <u>2. The Council must be notified in writing 10 days ahead of any works to be undertaken within 10m of any hazard mitigation/protection measure that exists within the coastal environment. Retain the advice note that indigenous vegetation clearance is subject to the ECO chapter.</u>

Analysis

249. Seven submitters support this rule. This support is noted.
250. Forest and Bird (S560.291) seek that this rule is deleted. They consider that there needs to be performance standards for this rule. Forest and Bird (S560.0575) also seek that a standard be added to the rule that the Council be notified in writing 10 working days ahead of the works to be undertaken within 10m of any hazard mitigation/protection measure that exists within the coastal environment.
251. I do not support these submissions. This rule is part of a suite of rules (CE – R1 to CE – R4) which aim to provide for a basic range of Permitted Activities within all parts of the coastal environment that are not identified as having specific, scheduled, values. The definition of Conservation Activities encompasses a wide range of relatively passive activities such as bird watching, as well as more active activities such as installation of rat traps or weed control. I do not consider that Conservation Activities have a high risk of adverse effect on natural hazard mitigation structures and that notification of these activities being undertaken to the Council is unnecessary.

Recommendations

252. That no amendments to the Plan are made as a result of these submissions.
253. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

10.4 Submissions on Rule CE – R3 Māori Purpose Activities and Buildings in the Coastal Environment

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.481	Support	Retain rule.
Buller District Council (S538)	S538.290	Support	Retain as notified.
Chris & Jan Coll (S558)	S558.289	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.289	Support	Retain
William McLaughlin (S567)	S567.353	Support	Retain
Laura Coll McLaughlin (S574)	S574.289	Support	Retain

Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.292	Amend	Amend the heading: and buildings
Te Runanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio (S620)	S620.205	Support	Amend rule as follows : CE- R3 Poutini Ngāi Tahu Activities, Māori Purpose activities and <u>associated</u> buildings within the Maori Purpose Zone. These are:Poutini Ngāi Tahu activities, including cultural harvest of vegetation, mahinga kai, Pounamu, Aotea stone or rock; or Māori Purpose Activities undertaken in accordance with an Iwi/Papatipu Runanga...
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0576	Amend	Include a condition that the activities do not occur within Outstanding coastal areas or include conditions to ensure Policies 13 and 15 of the NZCPS are achieved.
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (FS41)</i>	<i>FS41.081</i>	<i>Oppose</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0577	Support	Retain the advice note that indigenous vegetation clearance is subject to the ECO chapter and add an advice note that earthworks are subject to provisions of the EW chapter.

Analysis

254. Six submitters support this rule. This support is noted.
255. Ngāi Tahu (S620.205) seek that this rule is amended to include the word “associated” in relation to “buildings” within the title of the rule. I support this submission as the rule title is “Māori Purpose Activities and Buildings” so this amendment would make it clearer within the rule itself that these buildings must be part of the Māori Purpose Activity.
256. Forest and Bird (S560.0576) seeks that a standard be added that the activities do not occur within outstanding coastal areas, or other standards be added to ensure that Policies 13 and 15 of the NZCPS are achieved. I support this submission in part. I consider that there is potential for some of these activities to have significant adverse effects on the natural character or landscape values of outstanding coastal areas and that these areas should be excluded from the rule. I do however consider that cultural harvest activities should be Permitted within the outstanding coastal areas and note that I have recommended a definition for cultural harvest in the Ecosystems and Biodiversity s42A report.
257. Forest and Bird (S560.292) seek that the rule be amended to delete the reference to buildings. I do not support this submission. As discussed in relation to the previous rules CE – R1 and CE – R2, and as a consequence from the amendments I recommend in response to their submission S560.0576, this rule would not apply in unmodified or outstanding areas of the coastal environment. As I discuss in relation to other rules, the direction in the WCRPS in relation to natural character differentiates between outstanding areas (where adverse effects must be avoided) and other areas of natural character (where *significant* adverse effects must be avoided). I consider therefore that, as I recommend in relation to other rules, provisions for buildings within this rule is appropriate.

258. Forest and Bird (S560.0577) seeks that the advice note in relation to indigenous vegetation clearance is retained and that an advice note is also added referring to the provisions of the earthworks chapter. I support this submission as some rules in the coastal environment chapter do regulate earthworks, so this advice note provides clarification for the Plan user.

Recommendations

259. That the following amendments are made to Rule CE – R3:

CE – R3 Māori Purpose Activities and Associated Buildings in the Coastal Environment

Activity Status Permitted

Where:

1. ~~These are~~ This is cultural harvest of vegetation, mahinga kai, Pounamu, Aotea stone, or rock or
2. ~~These are located outside of the Outstanding Coastal Environment Area and are:~~
 - a. ~~Poutini Ngāi Tahu Activities or, including cultural harvest of vegetation, mahinga kai, Pounamu, Aotea stone, or rock: or~~
 - b. Māori Purpose Activities undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan that includes an assessment of, and mitigation of, impacts on the coastal environment values including, where relevant, natural character, natural landscape and natural features.

Advice Notes:

1. Any indigenous vegetation clearance associated with Poutini Ngāi Tahu or Māori Purpose Activities is subject to the provisions in the Ecosystems and Indigenous Biodiversity Chapter.
2. Any earthworks are subject to the provisions in the Earthworks Chapter.
3.

260. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

10.5 Submissions on Rule CE – R4 Buildings and Structures in the Coastal Environment

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.482	Support	Retain rule.
Transpower New Zealand Limited (S299)	S299.070	Support	Retain the rule
Royal Forest & Bird Protection Society of NZ Inc. (Forest & Bird) (FS34)	FS34.036	Oppose in part	Disallow
Horticulture New Zealand (S486)	S486.045	Support	Retain CE-R4
Silver Fern Farms Limited by its authorised	S441.025	Support	Retain as notified.

agents Mitchell Daysh Limited (S441)			
Westpower Limited (S547)	S547.430	Support	Retain
Waka Kotahi NZ Transport Agency (S450)	S450.136	Support in part	Amend the rule to provide a definition for statutory agency and ensure that the state highway network is excluded from the schedules in R4.1.a.-d.
Foodstuffs (South Island) Properties Limited and Foodstuffs South Island Limited (S464)	S464.047	Oppose in part	<p>i. Activity Status Permitted Where:</p> <p>These are not located within:</p> <p>An Outstanding Natural Landscape identified in Schedule Five;</p> <p>An Outstanding Natural Feature identified in Schedule Six;</p> <p>An area of High Coastal Natural Character identified in Schedule Seven and subject to Rule CE - R5;</p> <p>An area of Outstanding Coastal Natural Character identified in Schedule Eight;</p> <p>and</p> <p>These:</p> <p>Comply with the rules for buildings and structures within the relevant zone, except that within the GRUZ - General Rural Zone, RLZ - Rural Lifestyle and SETZ - Settlement Zone:</p> <p>Maximum height is 7m for new buildings;</p> <p>No height limits apply where this is replacement of a lawfully established building with another building of the same height, in the same location; and</p> <p>. The gross ground floor area is:</p> <p>I. A maximum of 200m² per building for new buildings;</p> <p>II. No maximum area where this is the replacement of a lawfully established building with another building of the same ground floor area, in the same location; or</p> <p>...</p> <p><u>This rule does not apply to existing supermarkets within a centre.</u></p>
Russell and Joanne Smith (S477)	S477.014	Oppose	Remove gross ground floor area size limit for buildings in the RLZ zone by deleting CE - R4.2.iii.I. Alternatively replace with a more appropriate ground floor area limit which provides for reasonably sized residential dwellings within the coastal environment in line with the operative District Plans.,

Tim Macfarlane (S482)	S482.014	Oppose	Remove gross ground floor area size limit for buildings in the RLZ zone by deleting CE - R4.2.iii.l. Alternatively replace with a more appropriate ground floor area limit which provides for reasonably sized residential dwellings within the coastal environment in line with the operative District Plans.,
Bathurst Resources Limited and BT Mining Limited (S491)	S491.030	Amend	Amend: Where 1. ... 2. These: a. Comply with the rules for buildings and structures within the relevant zone, except that within the GRUZ - General Rural Zone, RLZ - Rural Lifestyle and SETZ - Settlement Zone, <u>MINZ Minerals Extraction Zone and BCZ - Buller Coalfields Zone:</u>
TiGa Minerals and Metals Limited (S493)	S493.074	Oppose	Delete Section 2 of CE-R4 entirely, or alternatively allow an increased gross floor area and height limit which is in line with what is permitted in the current District Plans.
Claire & John West (S506)	S506.014	Oppose	Remove gross ground floor area size limit for buildings in the RLZ zone by deleting CE - R4.2.iii.l. Alternatively replace with a more appropriate ground floor area limit which provides for reasonably sized residential dwellings within the coastal environment in line with the operative District Plans.,
John Brazil (S360)	S360.038	Oppose in part	Delete point 2. A. i. Delete point 2. A. iii.
<i>Royal Forest & Bird Protection Society of NZ Inc. (Forest & Bird) (FS34)</i>	<i>FS34.051</i>	<i>Oppose</i>	<i>Disallow</i>
Leonie Avery (S507)	S507.066 S507.092	Oppose in part	Delete point 2. a. i. Delete point 2. a. iii.
Jared Avery (S508)	S508.066 S508.092	Oppose in part	Delete point 2. a. i. Delete point 2. a. iii.
Kyle Avery (S509)	S509.066 S509.092	Oppose in part	Delete point 2. a. i. Delete point 2. a. iii.
Avery Bros (S510)	S510.066 S510.092	Oppose in part	Delete point 2. a. i. Delete point 2. a. iii.
Bradshaw Farms (S511)	S511.066 S511.092	Oppose in part	Delete point 2. a. i. Delete point 2. a. iii.
Paul Avery (S512)	S512.066 S512.092	Oppose in part	Delete point 2. a. i. Delete point 2. a. iii.
Brett Avery (S513)	S513.066 S513.092	Oppose in part	Delete point 2. a. i. Delete point 2. a. iii.
Steve Croasdale (S516)	S516.074	Amend	Delete point 2. a. i.
Steve Croasdale (S516)	S516.075	Amend	Delete point 2. a. iii.
Hapuka Landing Limited (S514)	S514.002	Amend	Amending CE-R4 to ensure that standards are appropriate for residential use, including by increasing

			the permitted gross ground floor area of new buildings.
Federated Farmers of New Zealand (S524)	S524.090	Not Stated	Increase the building height to 10m, and 500m ²
Denis and Wendy Cadigan (S532)	S532.004	Oppose	Remove gross ground floor area size limit for buildings in the GRUZ, RLZ and SETZ zones by deleting CE-R4.2.iii.I
Lauren Nyhan Anthony Phillips (S533)	S533.014	Oppose	Remove gross ground floor area size limit for buildings in the RLZ zone by deleting CE - R4.2.iii.I. Alternatively replace with a more appropriate ground floor area limit which provides for reasonably sized residential dwellings within the coastal environment in line with the operative District Plans.,
Neil Mouat (S535)	S535.042	Oppose in part	Delete point 2. A. i. Delete point 2. A. iii.
Buller District Council (S538)	S538.291	Oppose in part	Amend Rule 4 as follows: (2) These: (a) Comply with the rules for buildings and structures within the relevant zone, except that within the GRUZ - General Rural Zone, RLZ - Rural Lifestyle and SETZ - Settlement Zone:.... (iii) The gross ground floor area is: (1) A maximum of 200 300m ² per building for new buildings
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.030</i>	<i>Support in part</i>	<i>Disallow in part</i>
<i>Grey District Council (FS1)</i>	<i>FS1.426</i>	<i>Support</i>	<i>Allow</i>
Westland Farm Services (S550)	S550.007	Oppose	Remove gross ground floor area size limit for buildings in the GRUZ, RLZ and SETZ zones by deleting CE-R4.2.iii.I Alternatively, replace with a more appropriate ground floor area limit which appropriately provides for rural activities within the coastal environment, in line with the operative District Plans in the region.
Chris & Jan Coll (S558)	S558.290	Amend	Delete point 2. a. i.
Chris & Jan Coll (S558)	S558.291	Amend	Delete point 2. a. iii.
Stewart & Catherine Nimmo (S559)	S559.014	Oppose	Remove gross ground floor area size limit for buildings in the RLZ zone by deleting CE - R4.2.iii.I. Alternatively replace with a more appropriate ground floor area limit which provides for reasonably sized residential dwellings within the coastal environment in line with the operative District Plans.,

Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.293	Oppose in part	Consider amending CE - R4 to capture new structures and buildings including for High and Outstanding areas from R5 and R10
Geoff Volckman (S563)	S563.065	Oppose in part	Delete point 2. A. i.
Geoff Volckman (S563)	S563.066	Oppose in part	Delete point 2. A. iii.
Catherine Smart-Simpson (S564)	S564.071	Amend	Delete point 2. A. i.
Catherine Smart-Simpson (S564)	S564.072	Amend	Delete point 2. A. iii.
Joel and Jennifer Watkins (S565)	S565.024	Amend	Remove gross ground floor area size limit for buildings in the RLZ zone by deleting CE-R4.2.iii.I
Joel and Jennifer Watkins (S565)	S565.025	Support	Alternative relief: replace with a more appropriate ground floor area limit which appropriately provides for reasonably sized residential dwellings in within the coastal environment, in line with the operative District Plans in the region.
Chris J Coll Surveying Limited (S566)	S566.290	Amend	Delete point 2. a. i.
Chris J Coll Surveying Limited (S566)	S566.291	Amend	Delete point 2. a. iii.
William McLaughlin (S567)	S567.354	Amend	Delete point 2. a. i.
William McLaughlin (S567)	S567.355	Amend	Delete point 2. a. iii.
Cape Foulwind Staple 2 Ltd (S568)	S568.012	Amend	Amend the rule (reduce the height limit) so that as a permitted activity, this rule enable a single storey dwelling of up to 400m ² within the Coastal Environment. Amend Rule CE - R4 as follows: (2)(a)(i) i Maximum height is 5.5m for new buildings (2)(a)(iii)(i) iii The gross ground floor area is: i. A maximum of 400m ² per building for new buildings
Laura Coll McLaughlin (S574)	S574.290	Amend	Delete point 2. a. i.
Laura Coll McLaughlin (S574)	S574.291	Amend	Delete point 2. a. iii.
Tim and Phaedra Robins (S579)	S579.021	Oppose	Delete CE-R4.2.iii.I
Birchfield Ross Mining Limited (S604)	S604.053	Oppose	Remove gross ground floor area size limit for buildings in the GRUZ, RLZ and SETZ zones by deleting CE-R4.2.iii.I
Avery Brothers (S609)	S609.058	Amend	Delete point 2. a. i. & a. iii.
Avery Brothers (S609)	S609.084	Amend	Delete point 2. A. i.
Karamea Lime Company (S614)	S614.093	Oppose	Delete point 2. A. i.
Karamea Lime Company (S614)	S614.094	Oppose	Delete point 2. A. iii.

Peter Langford (S615)	S615.093	Oppose	Delete point 2. A. i.
Peter Langford (S615)	S615.094	Oppose	Delete point 2. A. iii.
Snodgrass Road submitters (S619)	S619.046	Oppose	Remove restriction on ground floor area and height of new and replacement buildings in Rule CE-R4(2)(i) and (ii) insofar as they apply to the Snodgrass Road submitters properties
Tim and Phaedra Robins (S579)	S579.022	Amend	Alternative relief, replace with a more appropriate ground floor area limit which appropriately provides for reasonably sized residential dwellings
WMS Group (HQ) Limited and WMS Land Co. Limited (S599)	S599.079	Oppose	Delete Section 2 of CE-R4 entirely, or alternatively allow an increased gross floor area and height limit which is in line with what is permitted in the current District Plans.
Birchfield Coal Mines Ltd (S601)	S601.058	Oppose	Delete Section 2 of CE-R4 entirely, or alternatively allow an increased gross floor area and height limit which is in line with what is permitted in the current District Plans.
Department of Conservation (S602)	S602.150	Oppose	<p>Amend: Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. These are not located within: <ul style="list-style-type: none"> an Overlay Area; and An Outstanding Natural Landscape identified in Schedule Five; An Outstanding Natural Feature identified in Schedule Six; An area of High Coastal Natural Character identified in Schedule Seven and subject to Rule CE – R5; An area of Outstanding Coastal Natural Character identified in Schedule Eight; and 1. These: <ul style="list-style-type: none"> <u>a. Are set back more than 25m from the Coastal Marine Area; and</u> <u>b. Comply with the rules for buildings and structures within the relevant zone, except that within the GRUZ - General Rural Zone, RLZ - Rural Lifestyle and SETZ - Settlement Zone:</u> <ol style="list-style-type: none"> i. Maximum height is 7m for new buildings; ii. No height limits apply where this is replacement of a lawfully established building with another building of the same height, in the same location; and iii. The gross ground floor area is: <ol style="list-style-type: none"> I. A maximum of 200m² per building for new buildings; II. No maximum area where this is the replacement of a lawfully established building with another building of the same ground floor area, in the same

			<p>location; or Are Energy Activities or Network Utilities, including ancillary earthworks, subject to provisions in the Energy, Infrastructure and Transport Chapters of the Plan; or Are natural hazard mitigation structures constructed by a Statutory Agency or their authorised contractor. Advice Note: Refer to the Natural Hazards, Sites and Areas of Significance to Māori, Historic Heritage, Natural Character and Margins of Waterbodies <u>Overlay Chapters and Zone Chapters</u> for <u>additional</u> rules in relation to buildings and structures in these areas.</p> <p>Activity status where compliance not achieved: Outside of the scheduled overlay chapter areas and the Rural Zones, the relevant zone rules apply. In the case of Energy Activities and Network Utilities the relevant Energy, Infrastructure or Transport Rules apply. Otherwise Restricted Discretionary</p>
<i>Buller District Council (FS149)</i>	<i>FS149.0133</i>	<i>Support in part</i>	<i>Allow in part</i>
Snodgrass Road submitters (S619)	S619.057	Amend	Remove the requirement in Rule CE R4(2 (c) for natural hazard mitigation structures to be constructed by a statutory agency or authorized contractor.
Grey District Council (S608)	S608.655	Support in part	Reword this provision to clarify the definition of statutory agency, and ensure that the roading network is provided to be protected.
Buller Conservation Group (S552)	S552.131	Amend	<u>1.e. unmodified coastal area or area of high natural biodiversity</u>
Frida Inta (S553)	S553.131	Amend	<u>1.e. unmodified coastal area or area of high natural biodiversity</u>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0578	Amend	<p>Add the following conditions to CE - R4:</p> <p><u>2. new buildings and structures Within the NOSZ - Natural Open Space Zone, OSZ - Open Space Zone and SARZ - Sport and Active Recreation Zones, this is limited to parks facilities or parks furniture undertaken by a network utility provider; or in the Māori Purpose Zone is proved for under CE - R3; or In all other zones: Any new building is no more than 100m ground floor area; T he maximum height above ground level is for any building or structure is 7m; Earthworks are for the establishment of a building platform and access to a</u></p>

			<p><u>building site in an approved subdivision or where there is no existing residential building on the site; and any earthworks are limited the matters in 2. a, c and d. and to fill, excavation or removal of material being no more than 250m² and 250m³."</u></p> <p>Amend the following condition in CE - R4: b. Are Energy Activities or Network Utilities, including ancillary earthworks, subject to provisions which are permitted activities under Rules in the Energy, Infrastructure and Transport Chapters of the Plan; or c. Are natural hazard mitigation structures constructed by a Statutory Agency or their authorised contractor."</p>
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Analysis

261. Four submitters support this rule. This support is noted.
262. This rule introduces two main provisions
- A maximum building height limit in the General Rural, Rural Lifestyle and Settlement Zone of 7m where these are located in the coastal environment (Standard 2.a. i); and
 - A maximum gross floor area for buildings in the General Rural, Rural Lifestyle and Settlement Zone of 200m² where these are located in the coastal environment (Standard 2.a.ii)
263. There are a large number of submissions opposing one or both of these clauses and seeking their deletion and these are outlined in the table above. The rationale for this opposition principally relates to this being a new, and onerous provision, when compared to the operative plans, or the building height/floor area within these zones outside of the coastal environment. These differences are outlined in the table below:

Zone	General Rural Zone	Rural Lifestyle Zone	Settlement Zone
Height Limit -outside of the coastal environment	10m	10m residential buildings, 7m non-residential buildings	10m residential buildings, 7m non-residential buildings Except in the Coastal Settlement Precinct 7m for all buildings
Height Limit under Rule CE – R4	7m		
Gross Floor Area - outside of the coastal environment	No limit	350m ²	350m ² Except in the Coastal Settlement Precinct 200m ² for all buildings
Gross Floor Area – under Rule CE – R4	200m ²		

264. As can be seen from the table above, Rule CE – R4 creates the greatest additional restriction on properties within the General Rural Zone, and provides no additional restriction on properties within the Settlement Zone – Coastal Settlement Precinct.
265. In terms of area of effect, the settlements of Karamea, Little Wanganui, Mokihinui, Granity, Hector, Omau/Cape Foulwind, Tauranga Bay in Buller; Paroa and Gladstone in Grey; Keoghans' Road/Houhou, Takutai, Ōkarito in Westlaare all affected by this rule. It also affects Rural Lifestyle Zone areas on the Barrytown flats, south of Greymouth at Gladstone, Camerons and Paroa and at Aratuna north of Hokitika. In addition large areas of General Rural Zone north of Ross is affected by this rule.
266. The origin of the rule lies in the direction provided in the NZCPS and the WCRPS. In particular NZCPS Policies 13 and 15.
267. Policy 13 (1) of the NZCPS states (relevant clause highlighted in bold):

(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:

(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and

*(b) **avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; ...***

268. Policy 15 of the NZCPS states: (relevant clause highlighted in bold):

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

(a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and

*(b) **avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;...***

269. This directive in Policies 13 and 15 of the NZCPS is also reflected in the WCRPS coastal environment chapter Policy 1 which states: (relevant clause highlighted in bold):

Within the coastal environment protect indigenous biological diversity, and natural character,

natural features and natural landscapes from inappropriate subdivision, use and development by:

a) ...;

*..c) **Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on indigenous biological diversity, natural character, natural features and natural landscapes;***

270. Based on this direction to avoid, remedy or mitigate adverse effects on all natural character, natural features and natural landscapes, CE – R4 places some restrictions on the height and bulk of buildings in the coastal environment.
271. The extent of the coastal environment varies across the West Coast, but in locations outside of the HCNC/OCNC/ONLs where it extends a long way inland the area is relatively low lying and large buildings can dominate the landscape.
272. In determining appropriate height limits, 7m was considered appropriate as this was a reduction in scale from that allowed for in the wider zones with associated reduction in visual impact, but still allows for a single or split level dwelling, or for a full height barn on the site. It is also the maximum height size in the Settlement Zone – Coastal Settlement Precinct, as well as the maximum height for non-residential buildings in the Rural Lifestyle Zone and therefore creates consistency of provisions as most properties within the Coastal Settlement Precinct also fall within the Coastal Environment.
273. In terms of Gross Floor Area a similar approach was considered. 200m² still allows for a residential dwelling significantly larger than the average residential dwelling

size in New Zealand (141m² in 2023) while placing some constraints on the degree of domination of the building over the natural character and landscapes of the coastal environment. There is also some measure of consistency with the Coastal Settlement Precinct, where the total gross floor area for all buildings on site is 200m².

274. Turning now to the submissions. Most of the submissions opposing the height and/or gross floor area limits consider that these are too restrictive and that they should reflect the zone provisions, or the operative plan provisions without further restriction in the coastal environment. These submissions do not address how visual impacts on coastal landscapes, or adverse effects on the natural character of the coastal environment will be avoided, remedied or mitigated through such proposals. As I have noted in the landscape report, since the original landscape and natural character studies on the West Coast undertaken in 2013, several locations have been sufficiently degraded as a result of development that they no longer meet the definition of "outstanding". In addition some locations previously identified as "high natural character" have also been downgraded due to development. Examples where this degradation of landscape and/or natural character values include the hills behind Greymouth (within the coastal environment), the hills behind Barrytown flats (within the coastal environment) and some areas around Punakaiki. The reason for the degradation has been the change in dominance of the downgraded areas from being predominantly natural to being more modified in character. This has arisen largely as a result of construction of residential built development.
275. For this reason I do not support these submissions as relates to residential built development.
276. Cape Foulwind Staple 2 Ltd (S568.012) seek that the rule be amended to reduce the height limit so that only a single storey (5.5m high) dwelling can be built, but increase the gross floor area to 400m². The submitter considers that this will have a reduced visual impact than the proposed rule. I do not support this submission. This rule is aiming to address a number of matters within the NZCPS/WCRPS - not only landscape but natural character and indigenous biodiversity. 400m² is exceedingly large for a residential building – noting that the average size of a new residential dwelling in New Zealand in 2023 was 141m² and I consider could result in significant adverse effects on the natural character, biodiversity and landscape values of the coastal environment which need assessing through a resource consent process.
277. In relation to rural buildings there are specific submissions from Buller District Council (S538.291) and Federated Farmers (S524.090). Buller District Council seeks that the maximum gross floor area should be increased to 300m² for new buildings with the reasons focussed on the extent of farmland within the coastal environment, and a need to provide for larger farm buildings. Federated Farmers seek that the maximum gross floor area be increased to 500m² and the building height be increased to 10m. In relation to building height, they are concerned that the rule needs to allow sufficient height for farm equipment storage.
278. I support these submissions in part, in that I would support some increase in gross floor area for agricultural buildings if it is necessary to support effective operation of a farm, while retaining some constraint on the extent of dominance that such buildings create in the landscape. However neither submitter provides any information about what is the size of a "typical" agricultural building such as a hay barn or storage shed and how great a constraint on size the 200m² gross floor area creates.
279. In relation to the submission of Federated Farmers on the height of rural buildings, I have made some investigation into the height of agricultural equipment used on the West Coast, and have not been able to determine that a building height of 10m would be required to house such equipment.
280. I therefore invite these submitters to provide some information on the size of "typical" agricultural buildings and what equipment they need to be sized for to inform the hearings process.

281. Foodstuffs (S464.047) seek that the rule be amended to state that this rule does not apply to existing supermarkets within a centre. I do not support this submission. There is only one supermarket located in a settlement within the coastal environment that is subject to this rule. This is the existing Four Square at Karamea. It is an approximately 400m² single storey building. As a lawfully established building, this could be replaced in the same location with the same floor area and height without resource consent. I do note that the review of the coastal environment boundary which is discussed in Section 15 of this report has been undertaken and that the Market Cross area within the township of Karamea is now recommended to be excluded from the coastal environment boundary, and if that recommendation is adopted, then the Karamea Four Square would no longer be affected by this rule.
282. Bathurst Resources (S491.030) seek that clause 2b of this rule also apply to the Mineral Extraction and Buller Coalfields Zone. I do not support this submission. Bathurst Resources are concerned that there is a conflict between this rule and BCZ – R3, however I consider they have misinterpreted this rule. Clause 2b and the height/gross floor areas are only for buildings in the General Rural, Rural Lifestyle and Settlement Zone. The effect of the amendment sought would be to increase restrictions on the Mineral Extraction and Buller Coalfield Zones.
283. Buller Conservation Group (S552.131) and Frida Inta (S553.131) seek the addition to Clause 1 “unmodified coastal area or area of high natural biodiversity”. I do not support these submissions. A permitted activity standard must be clear and enable the plan user to know if their activity is permitted or not. The areas referred to in this suggested clause have not been identified or mapped, therefore a Plan user could not determine whether their activity is Permitted or not.
284. Snodgrass Road submitters (S619.057) seek that the requirement for natural hazard mitigation structures to be constructed by a statutory agency or authorised contractor be removed. I do not support this submission. Natural hazard mitigation structures have the ability to adversely affect a number of values in relation to the coastal environment such as coastal natural character and natural landscape as well as public access. I am concerned that construction of new natural hazard mitigation structures has the potential to have significant adverse effects on natural character, where this is undertaken within a riparian margin. For that reason, the rule currently specifies that such activities are undertaken only by a statutory agency – on the basis that such structures are more likely to be designed and planned considering the adverse effects on the environment as there are other checks through their design and construction process. This approach is also consistent with how this matter is also dealt with in the Natural Character of Waterbodies chapter.
285. Waka Kotahi (S450.136) seeks that the rule is amended to provide a definition for statutory agency, and to ensure that the state highway network is excluded from the schedules. I support this submission in part.
286. In the Introduction and General Provisions s42A report I made a recommendation on the definition of Statutory Agency to be included in the Plan as follows:
- Statutory Agency: means in relation to construction of natural hazard mitigation structures, a District or Regional Council, Waka Kotahi – New Zealand Transport Agency, Transpower New Zealand, KiwiRail New Zealand or the Department of Conservation.*
287. The inclusion of this definition addresses the first part of the submission. In terms of ensuring that the state highway network is excluded from the schedules, I do not support this part of the submission. The state highway network traverses the coastal environment and many areas of high and outstanding values. The width of the legal road corridor is often significant and much greater than the paved area. There are often significant natural values found within the road corridor which is often vegetated. The assessment of landscape and natural character undertaken has been “tenure neutral” which I consider is appropriate.
288. Grey District Council (S608.655) seek that the rule is amended to clarify the definition of statutory agency and ensure that the roading network is provided to be

- protected. I support this submission in that the definition of statutory agency outlined above addresses this – and includes District Councils, including in relation to the roading network.
289. Forest and Bird (S560.293) seek that CE – R4 is amended to include new structures and buildings including for High and Outstanding areas from R5 and R10. I do not support this submission. The intent of CE – R4 is to focus on areas outside of High and Outstanding Areas, which affect the majority of landowners. Combining the provisions will make the rule more complex and I do not consider will improve the usability of the Plan.
290. Department of Conservation (S602.150) seek several amendments to the rule:
- that the rule is amended to require that all buildings are set back more than 25m from the coastal marine area;
 - the deletion of clause b which provides for energy activities, network utilities and ancillary earthworks subject to provisions in the energy, infrastructure and transport chapter
 - the deletion of clause c which provides for natural hazard mitigation structures constructed by a Statutory Agency or their authorised contractor.
 - Amendment of standard 1 to refer to overlay chapter areas, rather than the specific listed overlays.
 - Amendment of the Advice note to refer Plan Users to the Overlay Chapters and Zone Chapters for additional rules in relation to buildings and structures rather than listing the specific chapters.
291. When considering this submission of the Department of Conservation I have considered consistency with other natural character provisions in the Plan, and in particular the Natural Character of Waterbodies section. I support the proposal for a setback for new buildings from the coastal marine area, as this is the location where natural character values, as well as habitats of coastal fauna and remnant vegetation are most likely to be located, even in relatively modified rural areas and settlements. As for the natural character of waterbodies s42A report, I have reviewed the provisions in the West Coast Regional Coastal Plan and West Coast Regional Land and Water Plan. While there are setbacks for earthworks and on-site effluent discharges neither of these planning instruments put in place setbacks for buildings, structures or other activities from the coastal marine area.
292. I do note that the Operative Plans all have in place setbacks from the coast of between 50-150m in their Rural Zones for buildings for reasons of protection of natural character and natural hazards. While many parts of the land close to the coastal marine area is subject to coastal hazards, and therefore restricts buildings in TTPP, these provisions do not address natural character. I therefore consider that the proposal from the Department of Conservation for a 25m setback for buildings in the Rural Zones and Open Space and Recreation Zones is appropriate.
293. In relation to the second and third points of the Department of Conservation, I support these in part. Consistent with the approach I have recommended in the Natural Character of Waterbodies report, I consider that within the 25m setback area, the following new buildings should be permitted:
- New network utility buildings where these are located within a formed legal road
 - The construction of parks facilities and parks furniture within an Open Space and Recreation Zone
294. I do not recommend that this setback apply to structures as I consider this would capture a wide range of potentially appropriate activities that have a minor effect only on the values of the coastal environment.
295. I support in part the proposed amendment to standard 1 of the rule. The Historic Heritage and Sites and Areas of Significance to Māori provisions appropriately regulate activities within those scheduled areas and I do not consider that further restriction through the Coastal Environment provisions is required. I also note that the Ecosystems and Biodiversity chapter regulates activities within Significant Natural Areas and I do not support the over complication of the plan by further

- regulating activities in those areas within the coastal environment chapter. However I consider that standard 1 could be amended to refer to just the "Outstanding Coastal Environment Area" – which encompasses the areas of Outstanding Natural Landscape, Outstanding Natural Features and Outstanding Coastal Natural Character within the coastal environment, and to the High Coastal Natural Character overlay, and this would simplify the rule wording to some extent.
296. I support the proposed amendment to the Advice Note however to refer to Overlay Chapters and Zone chapters in relation to additional rules that may apply to buildings and structures.
297. Forest and Bird (S560.0578) seek that this rule:
- Also apply within the Open Space and Recreation Zones and only allow for parks facilities or parks furniture
 - Also apply within the Māori Purpose Zone where these buildings also meet CE – R3
 - Reduce the Permitted gross ground floor area to 100m²
 - Also regulate earthworks and provide only for these where they are for:
 - Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site
 - Any earthworks are limited to fill, excavation or removal of no more than 250m² and 250m³
 - Delete reference to natural hazard mitigation structures
 - Amend reference to Energy activities and network utilities to only be those which are permitted activities in the Energy, Infrastructure and Transport chapters of the plan
298. I support this submission in part in that I support these provisions also applying to the Open Space Zone (outside of the settlements of Greymouth, Hokitika and Westport) and the Natural Open Space Zone in all locations in relation to the 25m setback that I have recommended based on the submission of Department of Conservation which is discussed above.
299. I do not support this rule applying to the Sports and Recreation Zone as this is predominantly found within the most modified parts of the coastal environment.
300. I do not support the application of this rule to the Māori Purpose Zone – as buildings are only provided for as a Permitted Activity under Rule CE – R3 where they are undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan.
301. I do not support reducing the gross ground floor area to 100m² – I consider that 200m² is an appropriate provisions as is discussed in relation to ground floor areas above.
302. I do not support the deletion of natural hazard mitigation structures constructed by a statutory agency. In this respect I have provided consistency in my recommendations in relation to the natural character of waterbodies report.
303. In terms of energy activities and network utilities I support the addition of the requirement that these also be Permitted Activities in the Energy, Infrastructure and Transport Chapter.
304. In terms of the submissions points around earthworks, I do note that the Earthworks Rules do not currently provide any volume or area restriction within the General Rural Zone. I have however reviewed a range of recent District Plans and have concluded that restrictions on earthworks within the Coastal Environment are almost universally only applied where this is in areas of high or outstanding natural character. I therefore do not support further restrictions within this rule.

Recommendations

305. That the following amendments are made to Rule CE – R4:

CE - R4 Buildings and Structures in the Coastal Environment Activity Status Permitted

Where:

1. These are not located within:

- a. ~~An Outstanding Coastal Environment Area; or Natural Landscape identified in Schedule Five;~~
 - b. ~~An Outstanding Natural Feature identified in Schedule Six;~~
 - c. ~~An area of High Coastal Natural Character identified in Schedule Seven; and subject to Rule CE—R5;~~
 - d. ~~An area of Outstanding Coastal Natural Character identified in Schedule Eight; and~~
2. These are:
- a. Buildings and structures that comply with the rules for buildings and structures within the relevant zone, except that within the GRUZ - General Rural Zone, RLZ - Rural Lifestyle, and SETZ - Settlement Zone, OSZ - Open Space Zone and the NOSZ – Natural Open Space Zone:
 - i. Maximum height is 7m for new buildings;
 - ii. No height limits apply where this is replacement of a lawfully established building with another building of the same height, in the same location; and
 - iii. The gross ground floor area is:
 - I. A maximum of 200m² per building for new buildings;
 - II. No maximum area where this is the replacement of a lawfully established building with another building of the same ground floor area, in the same location; ~~or and~~
 - iv. New buildings are set back 25m from Mean High Water Springs except where these are:
 - III. New network utility buildings where these are located within a formed legal road; or
 - IV. Parks facilities or parks furniture within any OSRZ - Open Space and Recreation Zone; or
 - b. ~~Are~~ Energy Activities or Network Utilities, including ancillary earthworks, ~~subject to provisions that are Permitted Activities~~ in the Energy, Infrastructure and Transport Chapters of the Plan; or
 - c. ~~Are~~ ~~a~~ Natural hazard mitigation structures constructed by a Statutory Agency or their authorised contractor.

Advice Note:

Refer to the ~~Natural Hazards, Sites and Areas of Significance to Māori, Historic Heritage, Natural Character and Margins of Waterbodies~~ Overlay Chapters and Zone Chapters for other rules in relation to buildings and structures in these areas.

Activity status where compliance not achieved:

Outside of the scheduled overlay chapter areas and the RURZ - Rural Zones, the OSZ - Open Space Zone and NOSZ – Natural Open Space Zone, the relevant zone rules apply.

In the case of Energy Activities and Network Utilities the relevant Energy, Infrastructure or Transport Rules apply.
Otherwise Restricted Discretionary

306. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

10.6 Submissions on Rule CE – R13 Māori Purpose Activities and Buildings in the Coastal Environment not meeting Permitted Activity Standards

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
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Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.491	Support	Retain rule.
Buller District Council (S538)	S538.300	Support	Retain as notified.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.302	Oppose	Make amendments to CE - R13 so in the Outstanding Coastal Environment a Discretionary activity status applies.
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (FS41)</i>	<i>FS41.036</i>	<i>Oppose</i>	<i>Disallow</i>
Grey District Council (S608)	S608.660	Support in part	Insert activity status where compliance not achieved.

Analysis

307. Two submitters support this rule. This support is noted.
308. Forest and Bird (S560.302) seek that the rule is amended so that in the Outstanding Coastal Environment a Discretionary Activity applies. However I do not support the escalation of this to a Discretionary Activity. As I have discussed in relation to the Māori Purpose Zone and the Plan more widely in other s42A reports, enabling and supporting Tino Rangatiratanga is a key strategic focus of Te Tai o Poutini Plan. Within this context I consider that a sufficient assessment of any adverse effects on outstanding values is able to be undertaken and managed through a Restricted Discretionary Activity Rule.
309. Grey District Council (S608.660) appear to have misinterpreted the rule and seek reference to the escalation status where the rule is not met. There is no escalation rule and as is written in the Plan the activity status where compliance is not achieved is N/A. I therefore do not support this submission.

Recommendations

310. That no amendments to the Plan are made as a result of these submissions.
311. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

10.7 Submissions on Rule CE – R14 Buildings and Structures not meeting Rule CE - R4 outside of the Outstanding Coastal Environment and High Coastal Natural Character Overlay

Submissions

Submitter Name / ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.492	Support	Retain rule.
Buller District Council (S538)	S538.301	Support	Retain as notified.
Leonie Avery (S507)	S507.101	Oppose in part	Amend to be more enabling of development.
Jared Avery (S508)	S508.101	Oppose in part	Amend to be more enabling of development.

Kyle Avery (S509)	S509.101	Oppose in part	Amend to be more enabling of development.
Avery Bros (S510)	S510.101	Oppose in part	Amend to be more enabling of development.
Bradshaw Farms (S511)	S511.101	Oppose in part	Amend to be more enabling of development.
Paul Avery (S512)	S512.101	Oppose in part	Amend to be more enabling of development.
Brett Avery (S513)	S513.101	Oppose in part	Amend to be more enabling of development.
Steve Croasdale (S516)	S516.079	Amend	Amend to be more enabling of development.
Neil Mouat (S535)	S535.051	Oppose in part	Amend to be more enabling of development.
Chris & Jan Coll (S558)	S558.295	Amend	Amend to be more enabling of development.
Geoff Volckman (S563)	S563.070	Amend	Amend to be more enabling of development.
Catherine Smart-Simpson (S564)	S564.081	Amend	Amend to be more enabling of development.
Chris J Coll Surveying Limited (S566)	S566.295	Amend	Amend to be more enabling of development.
William McLaughlin (S567)	S567.359	Amend	Amend to be more enabling of development.
Karamaea Lime Company (S614)	S614.103	Amend	Amend to be more enabling of development
Peter Langford (S615)	S615.103	Amend	Amend to be more enabling of development
Westpower Limited (S547)	S547.440	Amend	Add k. <u>The benefits arising from the proposed activity.</u>
<i>TiGa Minerals and Metals Limited (FS104)</i>	<i>FS104.050</i>	<i>Support</i>	<i>Allow</i>
<i>WMS Group (HQ) Limited and WMS Land Co. Limited (FS231)</i>	<i>FS231.053</i>	<i>Support</i>	<i>Allow</i>
Westpower Limited (S547)	S547.441	Amend	Add l. <u>The technical, locational, functional or operational constraints and/or requirements of the activity.</u>
<i>WMS Group (HQ) Limited and WMS Land Co. Limited (FS231)</i>	<i>FS231.054</i>	<i>Support</i>	<i>Allow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.303	Amend	Consider combining CE - R14 and CE - R15
<i>Westpower Limited (FS222)</i>	<i>FS222.0300</i>	<i>Oppose</i>	<i>Disallow</i>
Department of Conservation (S602)	S602.159	Amend	Amend: Activity Status Restricted Discretionary Discretion is restricted to: Any requirements for landscape evaluation; The extent to which the site is visible from a road or public place; The effects on the natural character of the coast; The effects on Poutini Ngāi Tahu

			values or any Site and Areas of Significance to Māori identified in Schedule Three; The effects on potential or current public access to the coast; Design and location of any buildings, structures or earthworks; Volume and area of earthworks; Area and location of any vegetation clearance; <u>Adverse effects on amenity;</u> <u>Adverse effects on historic heritage;</u> <u>Adverse effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;</u> Impacts <u>Adverse effects on biodiversity and conservation values;</u> and Landscape measures. Activity status where compliance not achieved: N/A
<i>Westpower Limited</i>	<i>FS222.0102</i>	<i>Oppose</i>	<i>Disallow</i>
Grey District Council (S608)	S608.661	Support in part	Insert activity status where compliance not achieved.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0560, S560.531	Amend	Add matters of discretion for " <u>effects on natural character, natural landscapes and features of the coastal environment.</u> "
<i>Westpower Limited (FS222)</i>	<i>FS222.0302, FS222.0301</i>	<i>Oppose</i>	<i>Disallow</i>

Analysis

312. Two submitters support this rule. This support is noted.
313. Sixteen submitters seek the rule be amended to be more enabling of development, because they consider that the rule is too restrictive. I do not support these submissions. These submitters also opposed Rule CE – R4 and specifically the height and gross ground floor areas of buildings and I have considered those matters in relation to those submissions.
314. Westpower (S547.440) seek an additional matter of discretion "the benefits arising from the activity". I do not support this submission. While I have accepted a similar submission point in relation to the NFL topic, that was because the policy framework had specific consideration of positive effects. This is not present in the coastal environment framework, which is much more precautionary, therefore I do not consider this assessment criterion is appropriate.
315. Westpower (S547.441) seek an additional matter of discretion "The technical, locational, functional or operational constraints and/or requirements of the activity". I support this submission in part, in that, consistent with my recommendations in other parts of this report, I support the addition of "the functional or operational needs of the activity" as an additional matter of discretion – recognising that the national planning standard definition of "operational need" includes both technical and locational requirements.
316. Department of Conservation (S602.159) seek additional matters of discretion – "adverse effects on amenity; adverse effects on historic heritage, adverse effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems." They also seek an amendment to clause i. to refer to "adverse effects" rather than impacts, and to also consider the adverse effects on conservation values. I support this submission in part. In terms of historic heritage I recommend that this is considered as part of matter of discretion d. which already

- addresses Poutini Ngāi Tahu values – as well as the addition of effects on archaeological sites that I have recommended as an additional assessment criterion in response to other submissions; in terms of amenity, I don't consider that this is a significant issue that needs specific consideration as a matter of discretion.
317. In terms of ecological functioning and the life supporting capacity of air, water, soil and ecosystems, while I acknowledge that this is a matter of discretion in other rules, I consider it is a very wide matter and not an appropriate matter of discretion. I consider the existing matters of discretion are sufficient in that respect. In terms of the reference to "adverse effects" rather than "impacts" I support this, and I also support the addition of conservation values into matter of discretion i.
 318. Forest and Bird (S560.303) seek that this rule be combined with CE – R15. I do not support this submission. CE – R15 only relates to areas identified as High Natural Character and also addresses earthworks which are not regulated under Rule CE – R4. Forest and Bird sought that earthworks be included within CE – R4 and I did not support this, therefore I do not support the amalgamation of these escalation rules.
 319. Forest and Bird (S560.0650, S560.531) seek additional matters of discretion – "effects on natural character, natural landscapes and natural features of the coastal environment". I support this submission in part as I agree these are important matters for consideration. I note that matter of discretion c. is "effects on the natural character of the coast" therefore this part of the submission is already addressed. I do support an additional matter of discretion "effects on natural landscapes and natural features of the coastal environment".
 320. Grey District Council (S608.661) appear to have misinterpreted the rule and seek reference to the escalation status where the rule is not met. There is no escalation rule and as is written in the Plan the activity status where compliance is not achieved is N/A. I therefore do not support this submission.

Recommendations

321. That the following amendments be made to Rule CE – R14:

**CE - R14 Buildings and Structures not meeting Rule CE - R4 outside of the Outstanding Coastal Environment and Areas of High Coastal Natural Character Overlay ~~identified in Schedule Seven~~
Activity Status Restricted Discretionary**

Discretion is restricted to:

- a. Any requirements for landscape evaluation;
 - b. The extent to which the site is visible from a road or public place;
 - c. The effects on the natural character of the coast;
 - d. The effects on Poutini Ngāi Tahu values; any archaeological sites, historic heritage or on any Site and Areas of Significance to Māori identified in Schedule Three;
 - e. The effects on potential or current public access to the coast;
 - f. Design and location of any buildings, structures or earthworks;
 - g. Volume and area of earthworks;
 - h. Area and location of any vegetation clearance;
 - i. ~~Impacts~~ Adverse effects on biodiversity and conservation values; ~~and~~
 - j. Landscape measures;
 - k. The effects on natural landscapes and natural features of the coastal environment; and
 - l. The functional or operational needs of the activity.
322. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

11.0 Submissions on Permitted Activities in the High Natural Character Overlay

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Permitted Activity Rules as a Whole			
Teresa Wyndham-Smith (S312)	S312.011	Amend	I would advocate for a rule to restrict development of tourist infrastructure within the Hartmount Place/Te Miko/Ross subdivision area, such as widening the road or sealing the surface to accommodate tourist traffic.
Marie Elder (FS77)	FS77.1	Support	Allow
Marie Elder (FS77)	FS77.3	Support	Allow
John Brazil (S360)	S360.039	Oppose in part	Amend to be more enabling of development.
Steve Croasdale (S516)	S516.076	Amend	Amend to be more enabling of development.
Chris & Jan Coll (S558)	S558.292	Amend	Amend to be more enabling of development.
Chris J Coll Surveying Limited (S566)	S566.292	Amend	Amend to be more enabling of development.
William McLaughlin (S567)	S567.356	Amend	Amend to be more enabling of development.
Laura Coll McLaughlin (S574)	S574.292	Amend	Amend to be more enabling of development.
Rule CE – R5 – Buildings and Structures in the High Coastal Natural Character Overlay			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.483	Support	Retain rule.
Lynne Lever & Greg Tinney (S320)	S320.005	Amend	Increase the permitted new building footprint size to a realistic size
Waka Kotahi NZ Transport Agency (S450)	S450.137	Support	Retain as proposed.
Leonie Avery (S507)	S507.093	Oppose in part	Amend to be more enabling of development.
Jared Avery (S508)	S508.093	Oppose in part	Amend to be more enabling of development.
Kyle Avery (S509)	S509.093	Oppose in part	Amend to be more enabling of development.
Avery Bros (S510)	S510.093	Oppose in part	Amend to be more enabling of development.

Bradshaw Farms (S511)	S511.093	Oppose in part	Amend to be more enabling of development.
Paul Avery (S512)	S512.093	Oppose in part	Amend to be more enabling of development.
Brett Avery (S513)	S513.093	Oppose in part	Amend to be more enabling of development.
Karamaea Lime Company (S614)	S614.095	Amend	Amend to be more enabling of development
Peter Langford (S615)	S615.095	Amend	Amend to be more enabling of development
Geoff Volckman (S563)	S563.067	Oppose	Amend to be more enabling of development.
Catherine Smart-Simpson (S564)	S564.073	Amend	Amend to be more enabling of development.
Hapuka Landing Limited (S514)	S514.003	Amend	Amending CE-R5 to increase the permitted ground floor area and building footprint limits to allow for appropriate residential use.
Neil Mouat (S535)	S535.043	Oppose in part	Amend to be more enabling of development.
Buller District Council (S538)	S538.292	Oppose in part	a. Amend Rule 5 as follows: (4) In all other zones: Any new building is no more than 100 150m ² ground floor area; Any addition increases the total building footprint by no more than 50m ² ; The maximum height above ground level is for any building or structure is 7m.
Westpower Limited (S547)	S547.431	Amend	Minor upgrading definition to be inserted as per submission above.
Westpower Limited (S547)	S547.432	Amend	Amend 1. These buildings and ... And repair of network utilities, <u>including energy activities and critical infrastructure</u> , or renewable electricity generation activities; or
Buller Conservation Group (S552)	S552.132	Amend	Lower height restriction in Coastal Environment
Frida Inta (S553)	S553.132	Amend	Lower height restriction in Coastal Environment
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.294	Oppose in part	Consider deleting Rule CE - R5 and combining into other rules as appropriate to separate maintenance and repair from other activities.
Department of Conservation (S602)	S602.151	Amend	Amend: Activity Status Permitted Where: 1. These buildings and structures are required for the maintenance, operation, minor upgrade and

			<p>repair of network utilities or renewable electricity generation activities; or</p> <p>2. Within the Open Space and Recreation Zones, this is parks facilities or parks furniture; or</p> <p>3. Within the Māori Purpose Zone, these are Māori Purpose Activities; or</p> <p>4. In all other zones:</p> <ol style="list-style-type: none"> 1. Any new building is no more than 100m² ground floor area; 2. Any addition increases the total building footprint by no more than 50m²; 3. The maximum height above ground level is for any building or structure is 7m; and 4. <u>Buildings and structures are set back more than 30m from the Coastal Marine Area; and</u> 5. <u>They are not located within any other Overlay Area.</u> <p>Advice Note: Refer to the Natural Hazards, Sites and Areas of Significance to Māori, Historic Heritage, Natural Character and Margins of Waterbodies Overlay Chapters and Zone Chapters for additional rules in relation to buildings and structures in these areas. Activity status where compliance not achieved: Restricted Discretionary</p>
<i>Bathurst Resources Limited and BT Mining Limited (FS89)</i>	<i>FS89.026</i>	<i>Oppose</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0579	Amend	Delete "operation" from condition 1.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0580	Support	Limit minor upgrades to the National Grid and retain with maintenance and repair activities.
<i>Westpower Limited (FS222)</i>	<i>FS222.0287</i>	<i>Oppose</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0581	Amend	Include upgrades for network utilities or renewable electricity generation activities within rules for new structures (e.g., CE - R8) to ensure that condition for the scale and effects are appropriate or as consented activities.
<i>Westpower Limited (FS222)</i>	<i>FS222.0288</i>	<i>Oppose</i>	<i>Disallow</i>

Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0582	Amend	Include clause c. of condition 4 in to CE -R8 as it relates to additions to buildings. Clarify the rule so it is clear that Condition 4 does not apply in the NOSZ which is limited to the matters in Condition 2.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0583	Amend	Make amendments to provide for the matters in Condition 3 also outside of High and Outstanding areas. Include amendments so that these matters are limited to provision from network utility providers and council.
Rule CE – R6 Maintenance, Alteration, Repair and Reconstruction of Natural Hazard Mitigation Structures and associated earthworks in the High Coastal Natural Character Overlay			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.484	Support	Retain rule.
Leonie Avery (S507)	S507.094	Oppose in part	Amend to be more enabling of development.
Jared Avery (S508)	S508.094	Oppose in part	Amend to be more enabling of development.
Kyle Avery (S509)	S509.094	Oppose in part	Amend to be more enabling of development.
Avery Bros (S510)	S510.094	Oppose in part	Amend to be more enabling of development.
Bradshaw Farms (S511)	S511.094	Oppose in part	Amend to be more enabling of development.
Paul Avery (S512)	S512.094	Oppose in part	Amend to be more enabling of development.
Brett Avery (S513)	S513.094	Oppose in part	Amend to be more enabling of development.
Neil Mouat (S535)	S535.044	Oppose in part	Amend to be more enabling of development.
Geoff Volckman (S563)	S563.068	Oppose in part	Amend to be more enabling of development.
Catherine Smart-Simpson (S564)	S564.074	Amend	Amend to be more enabling of development.
Karamea Lime Company (S614)	S614.096	Amend	Amend to be more enabling of development
Peter Langford (S615)	S615.096	Amend	Amend to be more enabling of development
Westland District Council (S181)	S181.026	Amend	Replace CE - R6 3. 'There is no reduction in public access' with, 'Practical public access is provided for'

Waka Kotahi NZ Transport Agency (S450)	S450.138	Support in part	Amend the rule to replace the term 'minimum' with a set figure; Clarify the intent of R6.4; and Define 'statutory agency'.
Buller District Council (S538)	S538.293	Oppose in part	Amend Rule 6 as follows: 6. The activity is undertaken by a Statutory Agency or their designated contractor.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.295	Amend	Consider combining CE - R9 into R6 and as a consequence delete CE - R9. Amend CE - R6 as follows: Amend the heading of CE - R6: <ul style="list-style-type: none"> Delete "Reconstruction" from the title of the rule and ensure that activity is captured under other rules as for new activities. Amend condition 2. To include limits as follows: "Earthworks and land disturbance is the minimum required to undertake the activity and are within 2m of the structure and involves no more than 100m³ of material excavated, deposited or remove; Retain other aspects of the rule.
<i>Westpower Limited (FS222)</i>	<i>FS222.0289</i>	<i>Oppose</i>	<i>Disallow</i>
Department of Conservation (S602)	S602.152	Oppose	Amend:CE-R7 Maintenance, Alteration, and Repair and Reconstruction of Natural Hazard Mitigation Structures and associated earthworks in the Coastal Environment within the High Coastal Natural Character Overlay identified in Schedule Seven Activity Status Permitted Where: <ol style="list-style-type: none"> The structure has been lawfully established; Earthworks and land disturbance is the minimum required to undertake the activity contained <u>wholly within the footprint of the mitigation structure;</u> There is no reduction in public access; The materials used are the same as the original, or most significant material, or the closest equivalent provided that only cleanfill is used where fill materials are part of the structure; There is no change to more than 10% to the overall dimensions, orientation or outline of structure

			<p>from the consented structure, and an assessment is provided by a suitably qualified professional confirming the adverse effects are no greater than the consented structure; and</p> <p>6. The activity is undertaken by a Statutory Agency or their designated contractor.</p> <p>Advice Note:</p> <ol style="list-style-type: none"> 1. The rules in the Earthworks Chapter do not apply to Permitted Activities under Rule CE - R6. 2. Earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters. 3. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter. <p>Activity status where compliance not achieved: <u>Controlled</u> <u>Restricted</u> <u>Discretionary</u></p>
<i>Waka Kotahi NZTA (FS62)</i>	<i>FS62.0010</i>	<i>Oppose in part</i>	<i>Disallow in part</i>
<i>Buller District Council (FS149)</i>	<i>FS149.0135</i>	<i>Support in part</i>	<i>Allow in part</i>
<i>Westpower Limited (FS222)</i>	<i>FS222.097</i>	<i>Oppose</i>	<i>Disallow</i>
Grey District Council (S608)	S608.656	Support in part	Reword this provision to clarify the definition of statutory agency, and ensure that the roading network is provided to be protected.
Rule CE – R7 Earthworks in the High Coastal Natural Character Overlay			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.485	Support	Retain rule.
Buller District Council (S538)	S538.294	Support	Retain as notified.
Federated Farmers of New Zealand (S524)	S524.091	Support	Retain as notified.
KiwiRail Holdings Limited (S442)	S442.079	Support	Retain as proposed
Waka Kotahi NZ Transport Agency (S450)	S450.139	Support	Retain as proposed.

Karamea Lime Company (S614)	S614.097	Amend	Amend to be more enabling of development
Peter Langford (S615)	S615.097	Amend	Amend to be more enabling of development
Geoff Volckman (S563)	S563.0173	Oppose in part	Amend to be more enabling of development
Leonie Avery (S507)	S507.095	Oppose in part	Amend to be more enabling of development.
Jared Avery (S508)	S508.095	Oppose in part	Amend to be more enabling of development.
Kyle Avery (S509)	S509.095	Oppose in part	Amend to be more enabling of development.
Avery Bros (S510)	S510.095	Oppose in part	Amend to be more enabling of development.
Bradshaw Farms (S511)	S511.095	Oppose in part	Amend to be more enabling of development.
Paul Avery (S512)	S512.095	Oppose in part	Amend to be more enabling of development.
Brett Avery (S513)	S513.095	Oppose in part	Amend to be more enabling of development.
Neil Mouat (S535)	S535.045	Oppose in part	Amend to be more enabling of development.
Catherine Smart-Simpson (S564)	S564.075	Amend	Amend to be more enabling of development.
Greg Maitland (S571)	S571.009	Amend	Amend Condition 2. based on a percentage of area of the total land
Lynne Lever & Greg Tinney (S320)	S320.006	Amend	Increased the list of permitted earthwork activities list in order to provide for basic west coast landowner needs.
Westpower Limited (S547)	S547.433	Amend	Amend b. Operation, maintenance, repair, upgrade of existing and/or installation of new network utility infrastructure, <u>including energy activities and critical infrastructure</u> , or renewable electricity generation; or
Department of Conservation (S602)	S602.153	Amend	Amend: Activity Status Permitted Where: These are for: <ol style="list-style-type: none"> 1. <u>Operation, maintenance, repair, or upgrade of existing</u> Walking/cycling tracks, roads, or farm tracks; 2. or fences; 3. Operation, maintenance, repair, <u>or upgrade of existing</u> or installation of new network utility infrastructure or renewable electricity generation; or 4. Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site; <u>and</u>

			<p>5. <u>The cut height or fill depth does not exceed one metre vertically;</u></p> <p>6. Any fill, excavation or removal is not more than 2500m²/ha and 2500m³/ha <u>where earthworks are set back more than 30m from the Coastal Marine Area;</u></p> <p>7. <u>Any fill, excavation or removal is not more than 100m²/ha and 100m³/ha where earthworks are within 30m from the Coastal Marine Area.</u></p> <p>Advice Note:</p> <ol style="list-style-type: none"> Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter. Any earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES - PF. <p>Activity status where compliance not achieved: Restricted Discretionary</p>
<i>Hapuka Landing Limited (FS233)</i>	<i>FS233.012</i>	<i>Oppose</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.296	Amend	<p>Consider combining provisions for maintenance (including operation), repair and minor upgrades of National Grid to CE - R1.</p> <p>Delete condition 1. a.</p> <p>"a. Walking/cycling tracks, roads, farm tracks or fences; or"</p> <p>Amend condition 1. b.</p> <p>"b. Operation, maintenance, repair, upgrade to lawfully established or installation of</p> <p>new network utility infrastructure or renewable electricity generation; or"</p> <p>Amend condition 1. c.</p> <p>"c. Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing at the date this Plan becomes operative residential building on the site;"</p> <p>Retain condition 2.</p>

Analysis

Where these Rules Apply

323. In considering the submissions on the High Coastal Natural Character Rules, an important consideration is where these rules apply. The areas of High Coastal Natural Character apply almost entirely across General Rural Zone or Open Space Zone areas. They are often associated with river mouths, lagoons and estuaries. Locations where they affect significant numbers of private landowners are:
- Oparara
 - Hector
 - Granity
 - Orowaiti (by Westport)
 - Pahautane (south of Fox River)
 - Te Miko (Hartmount Place)
 - Chesterfield (north of Hokitika)
 - Takutai (south of Hokitika)
 - Arahura
 - Okuru
 - Neils Beach
324. Locations of HCNC do include small settlements, residential dwellings and farming activities. The rules for these areas therefore have been drafted with the knowledge of the types of activities that have lawfully established within these areas. The aim is to retain the values of the HCNC and ensure that, as required by the NZCPS Policy 13 and WCRPS Policy 1 (c) of the coastal environment chapter that significant adverse effects on natural character are avoided.
325. Teresa Wyndham-Smith (S312.011) seeks a rule to restrict development of tourist infrastructure within the Hartmount Place/Te Miko/Ross subdivision area, such as widening the road or sealing the surface to accommodate tourist traffic. I consider that this submission has been incorrectly allocated to the Coastal Environment topic, but should have been considered as part of the Settlements Zones report. A similar submission was made by Marie Elder (S352) in that topic. I acknowledge the significant natural values of this area, and have also the benefit of having now heard the verbal submission from Ms Elder's accompanying evidence. I have investigated the current degree of regulation at Hartmount Place in the Operative Buller District Plan. This does not provide any restriction on vegetation clearance within the roading corridor. In this respect therefore the notified TTPP is more restrictive – in that a limit of 500m² of clearance over any 3 year period is provided for as part of the Permitted Activity which would apply to any road widening undertaken by a network utility. However there is no Permitted Activity for vegetation clearance for development of private infrastructure. I consider that this provides a better degree of protection and addresses some of the concerns of these submitters. I therefore support the submission in part, but do not propose any amendment to the Plan.
326. Six submitters seek that the Permitted Activities within the High Coastal Natural Character area be amended to be more enabling of development. I do not support these submissions. I consider that the identification of these areas as High Coastal Natural Character means that restrictions on development to avoid adverse effects on this high coastal natural character is required by the WCRPS Policy 1 (c) as well as the NZCPS Policy 13. The submitters provide no specific reasons for amending the rules, other than that they consider they are too restrictive and do not provide any information about how they should be amended, and how this would be able to be undertaken within the direction provided by the NZCPS and WCRPS in relation to natural character.

Rule CE – R5 – Buildings and Structures in the High Coastal Natural Character Overlay

327. Two submitters support Rule CE – R5. This support is noted.

328. Westpower Limited (S547.431) seek that minor upgrading of energy activities be provided for within this rule. Westpower Limited (S547.432) seek that standard 1 refers to energy activities and critical infrastructure. I do not support these submissions. I note that the rule already provides for minor upgrade for network utilities (which includes electricity operation and distribution) and renewable electricity generation, so I am unclear what additional activities in relation to the definition of energy activities that Westpower seeks to be included within this rule. In terms of critical (or regionally significant) infrastructure, again I am unclear what additional activities that are not included within the definitions of network utilities and renewable electricity generation Westpower seeks to include. I note that the WCRPS direction in relation to the coastal environment focuses on supporting and enabling the National Grid and renewable electricity generation, rather than regionally significant infrastructure, so I am unconvinced on the higher order document direction being applied more widely in this circumstance.
329. Buller Conservation Group (S552.132) and Frida Inta (S552.132) seeks that the height limit in this rule be reduced from the 7m in the proposed Plan. I do not support this submission. As I discuss in relation to Rule CE – R4, 7m is a standard height that is being applied across the more sensitive areas of the coastal environment. This provides for a single level dwelling, recognising the steep topography of many parts of the coastal environment.
330. Forest and Bird (S560.294) seek that the rule be deleted and combined with other rules as appropriate to separate maintenance and repair from other activities. I do not support this submission. The approach in the Coastal Environment rules is to have rules focussed on location – ie the HCNC areas, the OCNC areas and other parts of the Coastal Environment. This makes the Plan easier to navigate for the Plan user – as they consider which overlay applies.
331. In relation to network utilities and renewable electricity generation Forest and Bird submission point S560.0579 seeks that “operation” is deleted from standard 1. Submission point S560.0580 seeks that minor upgrades are limited to the National Grid only and that these are grouped with maintenance and repair activities. Submission point S560.0581 seeks a separate rule for both new network utilities and renewable electricity generation activities with upgrades included in this rule. I do not support these submissions.
332. The direction in the WCRPS is to is different in relation to areas of High Natural Character vs Outstanding Natural Character as outlined in Policy . Policy 1 (b) relates only to Outstanding Natural Character, whereas Policy 1 (c) relates to natural character more generally – including areas of High Natural Character where it is *significant* adverse effects that are to be avoided.
333. In relation to the National Grid and renewable electricity generation there are also specific policies, however in relation to other types of infrastructure I consider that Policy 3 of the coastal environment chapter applies. This needs to be seen within the context also of other policies supporting regionally significant infrastructure.
334. In relation to Māori Purpose Activities and clause 3, Forest and Bird (S560.0583) seek amendments to standard 3. This specifies that within the Māori Purpose Zone, these are Māori Purpose Activities. They consider that this is a duplication of rule CE – R3 – and seek that standard 4 (maximum ground floor areas/heights/building footprint) also apply to Māori Purpose Activities in the Māori Purpose Zone. The proposed Plan mapping of HCNC includes two main areas of Māori Purpose Zone – at Bruce Bay/Mahitahi and at Arahura. The review of the mapped areas undertaken by Brown Ltd recommends amending the location of the Arahura HCNC area so it no longer affects the Arahura Māori Purpose Zone, so these provisions would only apply at the Bruce Bay/Mahitahi area. The area in question is a large wetland area also subject to the Coastal Alert Hazard Overlay which places significant restrictions on building. Practically any significant development of this area is unlikely and I do not consider that further restrictions through Rule CE – R5 are necessary in this circumstance.
335. This submission also seeks that the rule is clarified so it is clear that condition 4 does not apply to the Natural Open Space Zone. I support this clarification.

336. Department of Conservation (S602.151) seek that a 30m coastal setback apply to new buildings and structures and that they are not located within any other overlay area. They also seek the addition of a further advice note referring plan users to the other overlay chapters and zone chapters for rules in relation to buildings and structures in these areas. I support this submission in part, in that I would support a 25m setback from the coast for new buildings, consistent with the recommendations I have made in relation to Rule CE – R4. I note the practical effect of this setback would mainly apply to non – residential buildings as in almost all instances these areas also fall within the Coastal Hazard Alert or Severe Overlay, and therefore residential building is very restricted in these locations. I also support amendments to the advice note similar to the approach taken in Rule CE – R4. I do not support the proposed amendment that these buildings not be located in any other overlay area. I consider that the other overlays (e.g. natural hazards, SASM, historic heritage) appropriately manage the effects of buildings on these overlays in relation to their values and that a duplication or increased restriction in relation to these within the coastal environment is not necessary.
337. Twelve submitters seek that the rule is amended to be more enabling of development. They consider that the rule is too restrictive. Lynne Lever & Greg Tinney (S320.005) and Hapuka Landing Limited (S514.003) seek that the size of permitted floor area and building footprint increase to allow for appropriate residential use. Buller District Council (S538.292) seek that the maximum groundfloor area be increased from 100m² to 150m².
338. As proposed, the rule allows for a 100m² ground floor area for a new building and 50m² addition to existing buildings. In terms of where this rule applies, areas of High Coastal Natural Character while largely vegetated do include locations where there is some, predominantly residential, development. They will also include some areas where there are farm buildings, network utility infrastructure, and natural hazard protection structures.
339. In addition this overlay includes some areas where subdivision has been approved, but no development yet located on the site. In terms of indigenous vegetation clearance, this is subject to Rule ECO – R2 which provides for 500m² indigenous vegetation clearance within the coastal environment as a Permitted Activity provided these areas are not identified as an SNA, and it is for a range of specific and limited purposes. This includes providing for the clearance necessary to create the access to a building site as well as clearance for the site development itself. The larger the building footprint is provided for, the more likely that this will drive clearance towards the upper end of the Permitted standard. However an increase from 100 to 150m² in terms of building footprint is still likely to be able to be accommodated within that vegetation clearance provided for in Rule ECO – R2. The proposed CE – R5 also includes a height limit of 7m – which does not allow for a 2 storey building. Given this, and the average new dwelling size in New Zealand (2023 data) of 141m², I would support an increase in building footprint to 150m² as proposed by the Buller District Council, where this is for the establishment of a new residential dwelling on a site where no other dwelling is located.

Rule CE – R6 Maintenance, Alteration, Repair and Reconstruction of Natural Hazard Mitigation Structures and associated earthworks

340. One submitter supports this rule. This support is noted.
341. Twelve submitters seek that this rule be more enabling of development. They consider that this rule is too restrictive. I do not support these submissions. I consider that the identification of these areas as High Coastal Natural Character means that restrictions on development to avoid significant adverse effects on this high coastal natural character is required by the WCRPS Policy 1 (c) as well as the NZCPS Policy 13. The submitters provide no specific reasons for amending the rules, other than that they consider they are too restrictive and do not provide any information about how they should be amended, and how this would be able to be undertaken within the direction provided by the NZCPS and WCRPS in relation to natural character.

342. Six other submitters seek specific amendments to the rule as follows:
- Westland District Council (S181.026) seek that standard 3 be amended to replace "there is no reduction in public access" with "practical public access is provided for.
 - Waka Kotahi (S450.138) seek that a specific figure is set for earthworks volume/area within the rule, that statutory agency is defined and that standard 4 which relates to the materials used is clarified in terms of its intent.
 - Buller District Council (S538.293) seeks that the requirement that the work is undertaken by a Statutory Agency is deleted.
 - Forest and Bird (S560.295) seek that CE – R9 is combined into CE – R6 and that as a consequence CE – R9 is deleted. They also seek that "reconstruction" is deleted from the rule and that a restriction be placed on earthworks and land disturbance in that it should be located within 2m of the structure and involves no more than 100m³ of material excavated, deposited or removed.
 - Department of Conservation (S602.152) also seek that "reconstruction" is deleted from the rule. They seek that earthworks be contained wholly within the footprint of the mitigation structure. They also seek that where compliance is not achieved the rule is a Restricted Discretionary Activity.
 - Grey District Council (S608.656) seek that this provision is amended to clarify the definition of statutory agency, and that this ensures that the roading network is provided to be protected.
343. In considering these submissions I have considered my recommendations around the rules for natural hazard mitigation structures in the s42A reports for natural character of waterbodies and outstanding natural landscape. I consider a consistent approach is useful for ease of administration of the Plan, and to avoid confusion in areas of overlap. For example, riparian margins of streams and rivers will also be present within the coastal environment.
344. The table below outlines my recommendations from the s42A reports in relation to natural hazard mitigation structures:

Activity	Riparian Margins	Outstanding Natural Landscapes
Maintenance and Repair	Permitted for all lawfully established structures	Permitted for all lawfully established structures
Alteration and Reconstruction	Permitted for upgrading of existing structures by a statutory agency	Permitted for upgrading of existing structures by a statutory agency where there is no more than 10% change to the overall dimensions
New Structures and those not meeting Permitted Standards	Permitted for new structures constructed by a statutory agency Otherwise Discretionary	Restricted Discretionary Activity. Includes associated earthworks. Discretionary where will destroy an ONF or the values that make it outstanding.
Associated earthworks	Maximum 25m ³ /200m length of Riparian margin for Permitted Activity	No more than 500m ³ per 12 month period/site for Permitted Activity

345. In terms of improving consistency with other parts of the Plan, and in response to submissions I propose the following amendments to Rule CE – R6.
- Maintenance and repair of all lawfully established natural hazard mitigation structures, regardless of ownership should be Permitted

- Upgrades should be provided for where these are undertaken by a Statutory Agency (as defined from recommendations in previous s42A reports). "Upgrade" should replace the terms "additions" and "reconstruction".
 - The reference to materials in standard 4 should be deleted
 - A maximum volume of earthworks should be provided for. I recommend 25m³/200m of coastline in order to be consistent with the Riparian Margin provisions;
 - A harmonisation of wording between the natural hazards and coastal environment chapters within standards 5 and 6 so that rather than "designated" contractors, "nominated" contractors are referred to, "lawfully established" is used rather than "consented" in relation to the structure and "height or length" is used rather than "outline" of the structures. I consider these would be consequential amendments from recommendations to changes to Rule NH – R2 and would also meet the clause 16 minor amendment test.
346. In terms of the specific submissions therefore, I support the submission of Waka Kotahi in full. I support the submission of Buller District Council in part as relates to repair and maintenance, I support the submission of Forest and Bird in part – in that I propose restrictions on the volume of earthworks. I support the submission of Department of Conservation in part in that I support restrictions on earthworks, and I also support that where compliance is not achieved this rule should escalate to a Restricted Discretionary, not Controlled, Activity. I support the submission of Grey District Council in part, in that I have recommended a definition of Statutory Agency in previous s42A reports, and that this allows for the protection of the roading network, although new structures or significant upgrades will require resource consent.
347. In terms of public access, I do not support the submission of Westland District Council. As a Permitted Activity I do not consider it appropriate that public access to the coastal environment should be restricted. This is a matter of national importance and I consider that this should require an assessment through a resource consent process and assessment against Policy CE – P7.
348. In terms of the submission point of Forest and Bird in relation to combining this rule with Rule CE – R9, I do not support this. I will discuss this further in relation to Rule CE – R9, but in essence I consider that upgrades of natural hazard mitigation structures should not be included within the Permitted Activity for Outstanding Coastal Environment Areas while I support these, where undertaken by a statutory agency, being provided for as part of the Permitted Activity in the HCNC areas.

Rule CE – R7 Earthworks in the High Coastal Natural Character Overlay

349. Five submitters support this rule. This support is noted.
350. Twelve submitters seek that this rule be more enabling of development. They consider that this rule is too restrictive. Lynne Lever & Greg Tinney (S320.006) seek the rule be amended to increase the list of permitted earthwork activities in order to provide for basic west coast landowner needs. They are concerned that building a woodshed, garage or other ancillary building would not be Permitted despite Rule CE – R5 allowing for these – as earthworks would be required to undertake these activities. I support these submissions in part and recommend that an additional standard "these are for the establishment of buildings Permitted by Rule CE – R5" be added to the Rule.
351. Greg Maitland (S571.009) seeks that the area of earthworks be increased to be based on a percentage of land area of the total land. I do not support this submission as this is not effects based in its response – it would result in only small areas of earthworks being allowed on small sites, but much larger areas, that could have significant adverse effects on natural character, being allowed on large sites.
352. Westpower Limited (S547.433) seeks that clause b of the rule is amended to refer to existing network utility infrastructure, and that the clause also refers to energy activities and critical infrastructure. I support this submission in part. The rule is intended to apply to existing network utility infrastructure so I support that

clarification and consider it should also apply to renewable electricity generation. I do not support the addition of the reference to energy activities as I consider these are already captured in network utility infrastructure and renewable electricity generation. As I discuss in relation to other rules, I am reluctant to extend the provisions to a wider range of critical/regionally significant infrastructure as I do not believe that is consistent with the direction in the WCRPS which is very focussed on electricity generation and transmission.

353. Department of Conservation (S602.153) seek a range of amendments to this rule – that standards a and b be restricted to operation, maintenance, repair or upgrade of existing facilities; that a new standard requiring that the cut height or fill depth does not exceed one metre vertically, and that additional requirements are placed on earthworks within 30m of the coastal marine area. I support this submission in part. I agree that standard a should only apply to operation, maintenance, repair and upgrade of existing facilities. Rather than delete the provisions for earthworks for new network utilities I recommend that these continue to be provided for within existing formed legal roads. I agree that new renewable electricity generation activities should not be provided for as a Permitted Activity. I have considered the proposals around earthworks in light of the provisions I have recommended for the Outstanding Natural Landscape topic, and note that the rule provisions of a maximum 250m²/ha and 250m³/ha is already considerably more restrictive than that provided for in that chapter. I therefore do not support further restrictions on earthworks. However I note that the Advice Note around earthworks does not point the Plan user to the Earthworks Rules which would also apply and recommend that this cross reference is added to the Advice Note.
354. Forest and Bird (S560.296) seek that the maintenance provisions in this rule are deleted as this is already provided for as a permitted activity in CE – R1 [provided this rule is amended as per the Forest & Bird submission points to include earthworks, which I have not supported]. They also seek the deletion of standard 1 - walking/cycling tracks, roads, farm tracks and fences as they consider these activity could have adverse effects on the natural character of these areas. They seek that standard b be restricted to lawfully established activities, and that standard c require that there is no existing residential building on the site “at the date that this Plan becomes operative. I support this submission in part in that the amendments I propose in response to the Department of Conservation’s submission partly address this submission point. I do not support the addition of the phrase “at the time of the Plan becoming operative” to standard c. Subdivision within the High Coastal Natural Character Overlay is proposed as a Discretionary Activity and if lots are created through this mechanism, I do not support an additional restriction on developing a dwelling on the site as I consider that being able to establish a dwelling on a site is a key part of achieving reasonable use of land.

Recommendations

355. That the following amendments are made to the Permitted Activity Rules in the Coastal Environment Chapter:

CE - R5 Buildings and Structures in the Coastal Environment within the High Coastal Natural Character Overlay as identified in Schedule Seven Activity Status Permitted

Where:

1. These buildings and structures are required for the maintenance, operation, minor upgrade and repair of network utilities or renewable electricity generation activities; or
2. Within the OSRZ - Open Space and Recreation Zones, this is parks facilities or parks furniture; or
3. Within the Māori Purpose Zone, these are Māori Purpose Activities; or
4. In all other zones:
 - a. Any new residential dwelling on a site where no other dwelling is located is no more than 150m² ground floor area;

- b. Any other new building is no more than 100m² ground floor area;
- c. Any addition increases the total building footprint by no more than 50m²;
- d. The maximum height above ground level is for any building or structure is 7m; and
- e. New buildings are set back 25m from Mean High Water Springs

Advice Note:

Refer to the Natural Hazards, Sites and Areas of Significance to Māori, Historic Heritage, Natural Character and the Margins of Waterbodies Overlay Chapters and Zone Chapters for other rules in relation to buildings and structures in these areas.

CE - R6 Maintenance, Alteration, Repair and Reconstruction Upgrade of Natural Hazard Mitigation Structures and associated earthworks in the Coastal Environment within the High Coastal Natural Character Overlay identified in Schedule Seven

Activity Status Permitted

Where:

- 1. The structure has been lawfully established;
- 2. Earthworks and land disturbance is ~~the minimum required to undertake the activity and~~ no more than 25m³ per 200m length of coastline in which the structure is located;
- 3. There is no reduction in public access;
- 4. ~~The materials used are the same as the original, or most significant material, or the closest equivalent provided that only cleanfill is used where fill materials are part of the structure;~~
- 5. Any upgrade of the structure ~~The activity~~ is undertaken by a Statutory Agency or their designated contractor; and
- 6. There is no change to more than 10% to the overall dimensions, orientation or outline of structure from the consented structure, and an assessment is provided by a suitably qualified professional confirming the effects are no greater than the consented structure.

Advice Note:

- 1. The rules in the Earthworks Chapter do not apply to Permitted Activities under Rule CE - R6.
- 2. Earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters.
- 3. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter.

Activity status where compliance not achieved: ~~Controlled~~ Restricted Discretionary.

CE - R7 Earthworks ~~within the Coastal Environment in the High Coastal Natural Character Overlay identified in Schedule Seven~~

Activity Status Permitted

Where:

- 1. These are for:
 - a. Operation, maintenance, repair and upgrade of existing ~~walking/cycling tracks, roads, farm tracks or fences~~;
 - b. Operation, maintenance, repair, upgrade of existing or installation of ~~new network utility infrastructure or renewable electricity generation~~;
 - c. Installation of new network utility infrastructure where this is located within the boundary of a formed legal road; or
 - d. Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site; or
 - e. Establishment of buildings permitted by Rule CE – R5; and

2. Any fill, excavation or removal is not more than 250m²/ha and 250m³/ha.

Advice Notes:

1. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter.
2. Any earthworks are also subject to relevant rules in the Earthworks, Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters.
3. This rule also applies to ~~plantation~~ commercial forestry activities, where this provision is more stringent than the NES - PCF.

Activity status where compliance not achieved: Restricted Discretionary

356. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

12.0 Submissions on Permitted Activities in the Outstanding Coastal Environment Area

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
General Submissions on Permitted Activities			
John Brazil (S360)	S360.040	Oppose in part	Amend to be more enabling of development.
Steve Croasdale (S516)	S516.077	Amend	Amend to be more enabling of development.
Chris & Jan Coll (S558)	S558.293	Support	Amend to be more enabling of development.
Chris J Coll Surveying Limited (S566)	S566.293	Support	Amend to be more enabling of development.
William McLaughlin (S567)	S567.357	Support	Amend to be more enabling of development.
Laura Coll McLaughlin (S574)	S574.293	Support	Amend to be more enabling of development.
Rule CE – R8 Additions and Alterations to Buildings and Structures in the Outstanding Coastal Environment Area			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.486	Support	Retain rule.
Buller District Council (S538)	S538.295	Support	Retain as notified.
Leonie Avery (S507)	S507.096	Oppose in part	Amend to be more enabling of development.
Jared Avery (S508)	S508.096	Oppose in part	Amend to be more enabling of development.
Kyle Avery (S509)	S509.096	Oppose in part	Amend to be more enabling of development.
Avery Bros (S510)	S510.096	Oppose in part	Amend to be more enabling of development.
Bradshaw Farms (S511)	S511.096	Oppose in part	Amend to be more enabling of development.
Paul Avery (S512)	S512.096	Oppose in part	Amend to be more enabling of development.
Brett Avery (S513)	S513.096	Oppose in part	Amend to be more enabling of development.
Neil Mouat (S535)	S535.046	Oppose in part	Amend to be more enabling of development.
Geoff Volckman (S563)	S563.0174	Oppose in part	Amend to be more enabling of development

Catherine Smart-Simpson (S564)	S564.076	Amend	Amend to be more enabling of development.
Karamea Lime Company (S614)	S614.098	Amend	Amend to be more enabling of development
Peter Langford (S615)	S615.098	Amend	Amend to be more enabling of development
Lauren Nyhan Anthony Phillips (S533)	S533.015	Oppose	Remove height limit or alternatively set more appropriate height limit where subdivision is in place.
Russell and Joanne Smith (S477)	S477.015	Oppose	Remove height limit or alternatively set more appropriate height limit where subdivision is in place.
Tim Macfarlane (S482)	S482.015	Oppose	Remove height limit or alternatively set more appropriate height limit where subdivision is in place.
Claire & John West (S506)	S506.015	Oppose	Remove height limit or alternatively set more appropriate height limit where subdivision is in place.
Stewart & Catherine Nimmo (S559)	S559.015	Oppose	Remove height limit or alternatively set more appropriate height limit where subdivision is in place.
Joel and Jennifer Watkins (S565)	S565.026	Amend	Amend to remove height limit
Joel and Jennifer Watkins (S565)	S565.027	Amend	Alternative relief: set more appropriate height limit where subdivision is in place.
Tim and Phaedra Robins (S579)	S579.023	Oppose	Remove height limit
Tim and Phaedra Robins (S579)	S579.024	Amend	alternative relief: amend to set more appropriate height limit where subdivision is in place.
Birchfield Coal Mines Ltd (S601)	S601.059	Amend	Amend CE - R8 as follows: Additions and Alterations to Buildings and Structures in the Outstanding Coastal Environment Area Activity Status Permitted Where: 1. The addition or alteration increases the building footprint or footprint of the structure by no more than 50 100m ² ;
Dean Van Mierlo (S570)	S570.007	Support	Amend permitted activity standard 2. The maximum height of building and structures above ground is 5m or the height of the existing building (whichever is the greater).
Dean Van Mierlo (S570)	S570.008	Amend	Alternative relief: The maximum height of building and structures above ground is 5m 7m.
Westpower Limited (S547)	S547.434	Amend	Amend 2. The maximum height of <u>any addition or alteration to a building or structure is 5m above ground level.</u>
Waka Kotahi NZ Transport Agency (S450)	S450.140	Support in part	Amend the rule to provide consideration on the ability for additions or alterations to occur at

			multiple stages without triggering the rule.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.297	Amend	Amend CE- R8 so that it applies to the CE generally as well as for Outstanding overlays.
<i>Westpower Limited</i>	<i>FS222.0290</i>	<i>Oppose</i>	<i>Disallow</i>
Department of Conservation (S602)	S602.154	Amend	Amend: Additions and Alterations to Lawfully Established Buildings and Structures in the Outstanding Coastal Environment Area...
<i>Buller District Council (FS149)</i>	<i>FS149.0136</i>	<i>Support</i>	<i>Allow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0565	Amend	Include a condition that the building or structure is lawfully established.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0566	Amend	Add a condition including upgrades of lawfully established network utility infrastructure and for electricity generation activities where the limits in Conditions 1 and 2 are met.
<i>Westpower Limited (FS222)</i>	<i>FS222.0291</i>	<i>Oppose</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0567	Amend	Set the activity status where compliance is not achieved is Discretionary where conditions specific to Outstanding Coastal Environment Areas is not met and otherwise RD.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0568	Support	Add: <u>4. Any fill, excavation or removal is not more than 100m2 and 100m3.</u>
Rule CE – R9 Maintenance, Alteration, Repair and Reconstruction of Natural Hazard Mitigation Structures in the Outstanding Coastal Environment Area			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.487	Support	Retain rule.
Leonie Avery (S507)	S507.097	Oppose in part	Amend to be more enabling of development.
Jared Avery (S508)	S508.097	Oppose in part	Amend to be more enabling of development.
Kyle Avery (S509)	S509.097	Oppose in part	Amend to be more enabling of development.
Avery Bros (S510)	S510.097	Oppose in part	Amend to be more enabling of development.
Bradshaw Farms (S511)	S511.097	Oppose in part	Amend to be more enabling of development.

Paul Avery (S512)	S512.097	Oppose in part	Amend to be more enabling of development.
Brett Avery (S513)	S513.097	Oppose in part	Amend to be more enabling of development.
Neil Mouat (S535)	S535.047	Oppose in part	Amend to be more enabling of development.
Catherine Smart-Simpson (S564)	S564.077	Amend	Amend to be more enabling of development.
Karamea Lime Company (S614)	S614.099	Amend	We believe this is too restrictive. Amend to be more enabling of development
Peter Langford (S615)	S615.099	Amend	Amend to be more enabling of development
Geoff Volckman (S563)	S563.0175	Oppose in part	Amend to be more enabling of development
Department of Conservation (S602)	S602.155	Oppose	<p>Amend: CE-R9 Maintenance, Alteration, <u>and</u> Repair and Reconstruction of Natural Hazard Mitigation Structures within the Outstanding Coastal Environment Area Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. The structure has been lawfully established; 2. Earthworks and land disturbance is the minimum required to undertake the activity contained wholly within the footprint of the mitigation structure; 3. There is no reduction in public access; 4. The materials used are the same as the original, or most significant material, or the closest equivalent provided that only cleanfill is used where fill materials are part of the structure; 5. There is no change to more than 10% to the overall dimensions, orientation or outline of structure from the consented structure, and an assessment is provided by a suitably qualified professional confirming the effects are no greater than the consented structure; and 6. The activity is undertaken by a Statutory Agency or their designated contractor. <p>Advice Note:</p> <ol style="list-style-type: none"> 1. The rules in the Earthworks Chapter do not apply to Permitted Activities under Rule CE - R9.

			<p>2. Earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters.</p> <p>3. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter.</p> <p>Activity status where compliance not achieved: Controlled Discretionary</p>
Waka Kotahi NZTA (FS62)	FS62.011	Oppose in part	Disallow in part
Buller District Council (FS149)	FS149.0137	Support in part	Allow in part
Westpower Limited (FS222)	FS222.098	Oppose	Disallow
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.298	Oppose	Combine with R6 and as a result Delete R9 Extend the combined rule to the full coastal environment.
Westpower Limited (FS222)	FS222.0292	Oppose	Disallow
Buller District Council (S538)	S538.296	Oppose in part	Amend Rule 9 as follows: 6. The activity is undertaken by a Statutory Agency or their designated contractor.
Grey District Council (S608)	S608.657	Support in part	Reword this provision to clarify the definition of statutory agency, and ensure that the roading network is provided to be protected.
Westland District Council (S181)	S181.027	Amend	Replace CE - R9 3. 'There is no reduction in public access' with, 'Practical public access is provided for'
Herenga ā Nuku Aotearoa, Outdoor Access Commission (FS53)	FS53.2	Support	Allow
Waka Kotahi NZ Transport Agency (S450)	S450.141	Support in part	Amend the rule to replace the term 'minimum' with a set figure; Clarify the intent of R9.4; and Define 'statutory agency'.
Rule CE – R10 Erection of a Building or Structure in the Outstanding Coastal Environment Area			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.488	Support	Retain rule.
KiwiRail Holdings Limited (S442)	S442.080	Support	Retain as proposed

Waka Kotahi NZ Transport Agency (S450)	S450.142	Support	Retain as proposed.
Leonie Avery (S507)	S507.098	Oppose in part	Amend to be more enabling of development.
Jared Avery (S508)	S508.098	Oppose in part	Amend to be more enabling of development.
Kyle Avery (S509)	S509.098	Oppose in part	Amend to be more enabling of development.
Avery Bros (S510)	S510.098	Oppose in part	Amend to be more enabling of development.
Bradshaw Farms (S511)	S511.098	Oppose in part	Amend to be more enabling of development.
Paul Avery (S512)	S512.098	Oppose in part	Amend to be more enabling of development.
Brett Avery (S513)	S513.098	Oppose in part	Amend to be more enabling of development.
Neil Mouat (S535)	S535.048	Oppose in part	Amend to be more enabling of development.
Catherine Smart-Simpson (S564)	S564.078	Amend	Amend to be more enabling of development.
Geoff Volckman (S563)	S563.0176	Oppose in part	Amend to be more enabling of development
Karamaea Lime Company (S614)	S614.100	Amend	Amend to be more enabling of development
Peter Langford (S615)	S615.100	Amend	Amend to be more enabling of development
Buller District Council (S538)	S538.297	Oppose in part	Amend Rule 10 as follows: (5) For <u>residential</u> , agricultural, pastoral and horticultural activities or an accessory building; and (i) The height of any building or structure does not exceed 5m above ground level; and (ii) The gross floor area of any building does not exceed 100 <u>150</u> m ² ground floor area.
Dean Van Mierlo (S570)	S570.009	Amend	Amend permitted activity standard 5 as follows; 5. For agricultural pastoral and horticultural activities, <u>or</u> <u>residential activities</u> , or an accessory building ...
<i>Grey District Council (FS1)</i>	<i>FS1.199</i>	<i>Support</i>	<i>Allow</i>
Westpower Limited (S547)	S547.435	Amend	Minor upgrading definition to be inserted as per submission above.
Westpower Limited (S547)	S547.436	Amend	Amend the heading of Rule: Buildings <u>and/or</u> Structures in the Outstanding Coastal Area

Westpower Limited (S547)	S547.437	Amend	Amend 3. Required for the maintenance ... repair of network utilities, <u>including energy activities and critical infrastructure</u> , or renewable electricity generation activities; or
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.299	Amend	Amend Rule CE - R10 to be a restricted discretionary Activity
<i>Westpower Limited (FS222)</i>	<i>FS222.0293</i>	<i>Oppose</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0584	Amend	Amend R10 or combine the activities listed into other CE rules that already provide for these activities and for earthworks, within limits that protected the Outstanding Coastal Area. The expectation is that these limits will be more stringent than those set out for other areas of the coastal environment sought in this submission.
<i>Westpower Limited (FS222)</i>	<i>FS222.0294</i>	<i>Oppose</i>	<i>Disallow</i>
Department of Conservation (S602)	S602.156	Amend	<p>Amend: Activity Status Permitted Where the structure is:</p> <ol style="list-style-type: none"> 1. A fence; or 2. Associated with stock water reticulation including tanks, pipes and water troughs; or 3. Required for the maintenance, operation, minor upgrade and repair of network utilities or renewable electricity generation activities; or 4. For a network utility customer connections, or environmental monitoring and extreme weather event monitoring; or 5. For agricultural pastoral and horticultural activities or an accessory building; and i. The height of any building or structure does not exceed <u>53m</u> above ground level; and ii. The gross floor area of any building does not exceed <u>50100m²</u> <p>Advice Note:</p> <ol style="list-style-type: none"> 1. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter. 2. Any earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori,

			Notable Trees, and Natural Character and Margins of Waterbodies Chapters. Activity status where compliance not achieved: Restricted Discretionary
<i>Westpower Limited (FS222)</i>	<i>FS222.099</i>	<i>Oppose</i>	<i>Disallow</i>
Department of Conservation (S602)	S602.164	Amend	Insert new Rule: <u>CE-RXX Buildings and Structures within the High Coastal Natural Character Overlay or Outstanding Coastal Environment Overlay not meeting Restricted Discretionary Activity Standards</u> Activity Status Discretionary Where: These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding. Advice Note: When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes policies will be required. This rule also applies to plantation forestry activities where this provision is more stringent than the NES – PF. Activity status where compliance not achieved: Non-complying
<i>Westpower Limited (FS222)</i>	<i>FS222.0105</i>	<i>Oppose</i>	<i>Disallow</i>
Grey District Council (S608)	S608.658	Support	Amend the definition of maintenance in the title to refer to the activity being provided for.
Rule CE – R11 Earthworks in the Outstanding Coastal Environment			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.489	Support	Retain rule.
Waka Kotahi NZ Transport Agency (S450)	S450.143	Support	Retain as proposed.
Buller District Council (S538)	S538.298	Support	Retain as notified.
Leonie Avery (S507)	S507.099	Oppose in part	Amend to be more enabling of development.
Jared Avery (S508)	S508.099	Oppose in part	Amend to be more enabling of development.
Kyle Avery (S509)	S509.099	Oppose in part	Amend to be more enabling of development.

Avery Bros (S510)	S510.099	Oppose in part	Amend to be more enabling of development.
Bradshaw Farms (S511)	S511.099	Oppose in part	Amend to be more enabling of development.
Paul Avery (S512)	S512.099	Oppose in part	Amend to be more enabling of development.
Brett Avery (S513)	S513.099	Oppose in part	Amend to be more enabling of development.
Neil Mouat (S535)	S535.049	Oppose in part	Amend to be more enabling of development.
Catherine Smart-Simpson (S564)	S564.079	Amend	Amend to be more enabling of development.
Karamea Lime Company (S614)	S614.101	Amend	Amend to be more enabling of development
Peter Langford (S615)	S615.101	Amend	Amend to be more enabling of development
Geoff Volckman (S563)	S563.0177	Oppose in part	Amend to be more enabling of development
Joel and Jennifer Watkins (S565)	S565.028	Amend	Include access and building platforms as a permitted activity.
Tim and Phaedra Robins (S579)	S579.025	Amend	Amend to include access and building platforms as a permitted activity.
Birchfield Coal Mines Ltd (S601)	S601.060	Amend	Amend CE - R11 as follows: CE - R11 Earthworks, <u>excluding minerals extraction, exploration and prospecting</u> , in the Outstanding Coastal Environment
Westpower Limited (S547)	S547.438	Amend	Amend b. Operation ... of network utility infrastructure, <u>including energy activities and critical infrastructure</u> , or renewable electricity generation <u>activities</u> .
Department of Conservation (S602)	S602.157	Amend	Amend: Where these are for: a. Maintenance repair or upgrade of <u>existing</u> walking/cycling tracks, roads, farm tracks or fences; b. Operation, maintenance, repair and upgrade of <u>existing</u> network utility infrastructure or renewable electricity generation; and c. <u>The earthworks are wholly contained within the footprint of the walking/cycling track, road, farm track, fence, network utility infrastructure, or renewable electricity generation infrastructure;...</u>
<i>Buller District Council (FS149)</i>	<i>FS149.0138</i>	<i>Support</i>	<i>Allow</i>

<i>Westpower Limited (FS222)</i>	<i>FS222.0100</i>	<i>Support</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0564	Amend	Amend R11 to include appropriate limits and to refer to the CE permitted activities it relates to. Ensure that limits for earthworks are not more than required to meet the limits to the scale of permitted activities sought in Forest & Birds submissions.
<i>Westpower Limited (FS222)</i>	<i>FS222.0296</i>	<i>Oppose</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.300	Oppose	Delete
<i>Westpower Limited (FS222)</i>	<i>FS222.0295</i>	<i>Oppose</i>	<i>Disallow</i>

Analysis

General Submissions on Permitted Activities

357. Six submitters seek that the Permitted Activities be amended to be more enabling of development. I do not support these submissions.
358. These submitters consider that the rules are too restrictive of development. The Outstanding Coastal Environment Area represents the most significant coastal natural landscapes and areas of coastal natural character on the West Coast. As such they have the highest level of protection associated with them. There is very little development within these areas, and I consider that the direction in Section 6 of the RMA, Policies 13 and 15 of the NZCPS and Policy 1 (b) of the Coastal Environment Chapter of the WCRPS sets a clear expectation that the Permitted Activities in these areas will be limited to those that are not likely to lead to adverse effects. This is a very high standard and the rules are appropriately restrictive in order to achieve that requirement.

Rule CE – R8 Additions and Alterations to Buildings and Structures in the Outstanding Coastal Environment Area

359. Two submitters support this rule. This support is noted.
360. Twelve submitters seek that this rule be more enabling of development. They consider that this rule is too restrictive. Tim and Phaedra Robins (S579.023), Joel and Jennifer Watkins (S565.026), Tim Macfarlane (S482.015), Russell and Joanne Smith (S477.015), Claire & John West (S506.015), Lauren Nyhan Anthony Phillips (S533.015) and Stewart & Catherine Nimmo (S559.015) seek that the height limit is removed or as an alternative (S579.024, S565.027) that a more appropriate height limit is set at the time of subdivision. Birchfield Coal Mines Ltd (S601.059) seeks that the maximum size of an addition or alteration is increased from 50 to 100m². I do not support these submissions.
361. The Outstanding Coastal Environment Area represents the most significant coastal natural landscapes and areas of coastal natural character on the West Coast. As such they have the highest level of protection associated with them. There is very little development within these areas, and I consider that the direction in Section 6 of the RMA, Policies 13 and 15 of the NZCPS and Policy 1 (b) of the Coastal Environment chapter of the WCRPS sets a clear expectation that the Permitted Activities in these areas will be limited to those that are not likely to lead to adverse effects. The rule allows for very minor development in the form of a 50m² building or structure with a height of 5m (1 storey). This is in order to ensure that adverse effects on the outstanding coastal natural character and outstanding coastal

- landscape values do not occur. These are not areas where significant development is expected, and if development is proposed then it needs to be very carefully assessed within a resource consent framework.
362. Dean Van Mierlo (S570.007) seeks that the rule be amended so that additions and alterations can be made that are the same height as the existing building. Dean Van Mierlo (S570.008) seeks as alternative relief that the maximum height of buildings and structures is increased to 7m. I support this submission in part in that I consider that allowing for the addition to be of the same height as an existing building is likely to have a less than minor effect on natural character while also recognising the existing development within the high natural character areas in a practical manner.
 363. Westpower Limited (S547.434) seek that the rule drafting is amended to clarify that standard 2 applies to additions and alterations and that this is above ground level. I support this submission as it clarifies the intent of the rule.
 364. Waka Kotahi (S450.140) seeks that the rule be amended to clarify a time period over which any additions and alterations must meet the maximum 50m² requirement. I support this submission and consider that a 5 year time period would be appropriate.
 365. Department of Conservation (S602.154) seeks that the rule heading is amended to be explicit that this applies to lawfully established buildings and structures only. Forest and Bird (S560.0565) seek that the building or structure is lawfully established. I support these submissions and propose an amendment to the rule title as sought by the Department of Conservation.
 366. Forest and Bird (S560.297) seeks that Rule CE – R8 be amended so that it applies to the coastal environment more generally as well as for outstanding overlays. They note that this rule is the only rule to specifically regulate additions and alterations. I do not support this submission. Because of the outstanding values of these areas, only additions and alterations, not new building, is allowed for as a Permitted Activity. These outstanding values are not found in other parts of the coastal environment and I consider do not warrant regulating additions and alterations in those other locations.
 367. Forest and Bird (S560.0566) seek that there be a specific standard providing for upgrades of lawfully established network utility infrastructure and for electricity generation activities where the limits in standards 1 and 2 are met. I have considered this proposal carefully but at this point am not convinced it is a necessary change as CE – R10 already deals with the erection of buildings for these purposes, so I consider this is likely to be a duplication, rather than addressing a gap in the rule framework. I therefore do not support this submission.
 368. Forest and Bird (S560.0567) seek that the activity status where compliance is not achieved is Discretionary. I do not support this submission. This rule escalates to CE – R14 and there are a wide range of matters of discretion within this rule which I consider can appropriately manage any potential adverse effects of additions and alterations.
 369. Forest and Bird (S560.0568) seek that earthworks be included within the same rule, and that any fill, excavation or removal is not more than 100m² and 100m³. This submitter is concerned that these buildings could not be constructed without earthworks and that Rule CE – R11 does not provide for earthworks for these activities. I support this submission in part and agree the area/volume of earthworks sought by the submitter is appropriate for this location. However I think it more appropriate to amend Rule CE – R11 to provide for earthworks for these activities rather than include them within this rule.

Rule CE – R9 Maintenance, Alteration, Repair and Reconstruction of Natural Hazard Mitigation Structures in the Outstanding Coastal Environment Area

370. One submitter supports this rule. This support is noted.
371. Twelve submitters seek that this rule be more enabling of development. They consider that this rule is too restrictive. I do not support these submissions.

372. The Outstanding Coastal Environment Area represents the most significant coastal natural landscapes and areas of coastal natural character on the West Coast. As such they have the highest level of protection associated with them. There is very little development within these areas, and I consider that the direction in Section 6 of the RMA, Policies 13 and 15 of the NZCPS and Policy 1 (b) of the Coastal Environment Chapter of the WCRPS sets a clear expectation that the Permitted Activities in these areas will be limited to those that are not likely to lead to adverse effects. The construction and upgrade of natural hazard mitigation structures in the coastal environment can have significant adverse effects on natural character, landscape and biodiversity values and public access and I consider these matters must be appropriately assessed through a resource consent process.
373. Department of Conservation (S602.155) seeks a range of amendments to the rule:
- That reconstruction be removed from the rule. They consider that this can have adverse natural character effects that should be assessed through a resource consent process.
 - That the activity status where compliance is not achieved is amended from controlled to Discretionary, so that any application under that rule has the ability to be declined where adverse effects are significant.
 - That all earthworks should be contained wholly within the footprint of the mitigation structure
374. I support this submission in part. I have considered consistency with my recommendations in relation to other Section 6 matters and s42A reports. On that basis I support the removal of reconstruction from this rule. I also support the proposed amendment to standard 2 – that earthworks and land disturbance are contained within the footprint of the mitigation structure. I do not support the escalation of the rule to a Discretionary Activity, however I do consider it appropriate, and consistent with my recommendations in the Landscape and Natural Features topic and my recommendations in relation to CE – R6 that this rule escalate to a Restricted Discretionary Activity, rather than Controlled Activity.
375. Forest and Bird (S560.298) seek that this rule is amalgamated with CE – R6 as they consider the rules are very similar. I do not support this submission. I note that I have recommended some amendments to both rules that reduce the similarity and reflect the differences between areas of HCNC and OCNC.
376. Buller District Council (S538.296) seeks that the reference in standard 6 to the activity being undertaken by a statutory agency or their designated contractor be deleted. I support this submission in part. I consider that, consistent with my recommendations in the s42A report for the natural character of waterbodies and landscape and natural features topics, maintenance and repair of any lawfully established natural hazard mitigation structure should be permitted, regardless of ownership. As I have recommended that reconstruction (and upgrade) to these structures is excluded from this Permitted Activity Rule, then I consider that the requirement that the activity is undertaken by a statutory agency or their designated contractor is no longer necessary.
377. Grey District Council (S608.657) seek that clarity be provided around the definition of statutory agency and that the roading network is provided to be protected. I support this submission in that the definition of statutory agency outlined above addresses this – and includes District Councils, including in relation to the roading network. I note however with a change to remove reconstruction from this rule, I have also recommended deleting the standard that refers to a statutory agency.
378. Grey District Council (S608.658) seeks a definition of maintenance as relates to this rule. I note that the definition of maintenance states “*in relation to infrastructure and renewable electricity generation activities, any work or activity necessary to continue to the operation and/or functioning of existing infrastructure. It does not include upgrading*”. I therefore consider this matter is adequately provided for and do not support the submission.
379. Westland District Council (S181.027) seek that rather than there being “no reduction in public access” that “practical public access is provided for”. I do not support this

submission as this rule is a Permitted Activity and there is no way to assess "practical public access". I consider this could lead to a reduction in public access to the coast – which is a matter of national importance and should be assessed and managed through a resource consent process.

380. Waka Kotahi (S450.141) seek that a specific figure is set for earthworks volume/area within the rule, that statutory agency is defined and that standard 4 which relates to the materials used is clarified in terms of its intent. I support this submission in part and recommend that consistency with CE – R6 is retained where appropriate. I therefore recommend the deletion of standard 4. Rather than a maximum volume of earthworks, since I recommend this rule only apply to maintenance/repair and alteration I prefer the Department of Conservation submission point seeking that earthworks be contained wholly within the footprint of the structure.
381. While there is no submission on this point, I also recommend a change to this rule which I consider could be undertaken as a Clause 16 amendment. This will achieve greater harmonisation of terminology between this rule and Rule NH – R2 in the Natural Hazards chapter. I propose to replace "originally consented, or consented variation" with "lawfully established".

Rule CE – R10 Erection of a Building or Structure in the Outstanding Coastal Environment Area

382. Three submitters support this rule. This support is noted.
383. Nine submitters seek that the rule be amended to be more enabling of development. These submitters consider that this rule is too restrictive. Buller District Council (S538.297) seek that the size of a building in standard 5 be increased to 150m². They also seek that this rule allow for a residential building to be constructed as a Permitted Activity. Dean Van Mierlo (S570.009) also seeks that this rule allow for residential buildings.
384. I do not support these submissions.
385. As I have outlined previously, the Outstanding Coastal Environment Area represents the most significant coastal natural landscapes and areas of coastal natural character on the West Coast. As such they have the highest level of protection associated with them. There is very little development within these areas, and I consider that the direction in Section 6 of the RMA, Policies 13 and 15 of the NZCPS and Policy 1 (b) of the Coastal Environment chapter of WCRPS sets a clear expectation that the Permitted Activities in these areas will be limited to those that are not likely to lead to adverse effects on outstanding areas.
386. As I have discussed previously in the report, the evidence of degradation of outstanding natural landscapes on the West Coast during the 2013 – 2023 period arises as a result of residential development, not farming activity.
387. There are a very small number of allotments within this overlay (principally at Pahautane and Barrytown hills) where a residential dwelling is not already established on the allotment. Other than this, residential development in these locations could only arise as a result of subdivision of General Rural Zone or Rural Lifestyle Zone properties or through the subdivision incentive process whereby legal protection of the significant indigenous vegetation and fauna habitat is required. All these locations are entirely vegetated, and I consider that the size and location of any dwelling is most appropriately considered at the time of any subdivision, and should be subject to a resource consent process.
388. Westpower Limited (S547.436) seeks that the rule heading be amended to be consistent with the wording of other rules in the plan by referring to "and" rather than "or" structures. I support this submission and the proposed amendment.
389. Westpower Limited (S547.435) seeks that minor upgrading be included in the rule heading to be consistent with the rule headings throughout the plan. I do not support this submission. I note that minor upgrade only relates to standard 3 in the rule, which covers a wide range of specific types of structures. Therefore a reference to minor upgrade in the rule heading is not appropriate.
390. Westpower Limited (S547.437) seeks that standard 3 include reference to energy activities and critical infrastructure. I do not support this submission as I do not

support the expansion of activities to which this rule applies for the reasons I have outlined in relation to previous submissions. I am also not aware of other activities that are included within the definition of critical (or regionally significant) infrastructure that are located within these, generally remote and very natural outstanding areas.

391. Forest and Bird (S560.299) seek that the rule be amended to a restricted discretionary activity. They consider that it would not be possible to undertake these activities without doing earthworks, and that these earthworks are not provided for in Rule CE – R11. I support this submission in part. I do not support the proposal to make this rule a restricted discretionary activity. I agree that construction of a fence, a new building and some of the other structures would require earthworks. I however consider that this is best managed through the addition of an appropriate earthworks standard for these activities in Rule CE – R11. This reflects the alternative relief sought by Forest and Bird (S560.0584) which I support in part and I recommend a maximum allowance of 100m²/100m³/ha for the earthworks associated with these activities be included within Rule CE – R11.
392. Department of Conservation (S602.156) seeks that the maximum size of a new building for a agricultural, pastoral or horticultural activity be reduced to 50m² and that the maximum height be 3m. They also seek that the rule escalate to a Discretionary rather than Restricted Discretionary Activity and propose a new rule (S602.164) for this purpose. I have considered the implication of this submission carefully. Given the nature and location of areas in the Outstanding Coastal Environment I consider that agricultural activities are generally unlikely in these locations and that any buildings might be expected to be things like pumphouses, tanks or other small scale buildings that have a functional or operational need to locate within these areas. Given this I support the submission in part in that I consider a reduction to a 50m² size is appropriate. However considering the types of buildings I consider that retaining the 5m height standard is appropriate. As I have previously discussed the evidence of landscape and natural character deterioration as a result of buildings on the West Coast is as a result of residential dwellings rather than agricultural buildings and I consider that these small buildings could be established in these areas without adverse effects on the natural character or landscape values.

Rule CE – R11 Earthworks in the Outstanding Coastal Environment

393. Three submitters support this rule. This support is noted.
394. Thirteen submitters seek that the rule be amended to be more enabling of development. These submitters consider that this rule is too restrictive. Joel and Jennifer Watkins (S565.028) and Tim and Phaedra Robins (S579.025) seek that this rule include access and building platforms as a permitted activity.
395. I do not support these submissions.
396. As I have outlined previously, the Outstanding Coastal Environment Area represents the most significant coastal natural landscapes and areas of coastal natural character on the West Coast. As such they have the highest level of protection associated with them. There is very little development within these areas, and I consider that the direction in Section 6 of the RMA, Policies 13 and 15 of the NZCPS and Policy 1(b) of the Coastal Environment Chapter of the WCRPS sets a clear expectation that the Permitted Activities in these areas will be limited to those that are not likely to lead to adverse effects – not just significant adverse effects. For this reason this rule is very restrictive around earthworks and focuses only on allowing for earthworks associated with maintenance, operation and repair, not new activities.
397. Birchfield Coal Mines (S601.060) seek that this rule exclude minerals extraction, exploration and prospecting. They consider that other rules in the Plan adequately manage these activities. I do not support this submission. Other rules managing mineral extraction, exploration and prospecting have not been drafted considering how these activities should be managed in the Outstanding Coastal Environment,

- and excluding these activities from this rule could result in adverse effects, or even significant adverse effects on these important areas.
398. Westpower Limited (S547.438) seek that standard b of this rule is amended to specifically include "energy activities and critical infrastructure". They also seek that the word "activities" be included in relation to renewable electricity generation. I support this submission in part. I do not support the expansion of activities to which this rule applies for the reasons I have outlined in relation to previous submissions. I am also not aware of other activities that are included within the definition of critical infrastructure that are located within these, generally remote and very natural outstanding areas. I do however support the inclusion of the word "activities" in relation to renewable electricity generation as this is consistent with how the term is used in other parts of the Plan.
399. Department of Conservation (S602.157) seek that this rule is amended to include the word "existing" in relation to the activities that are referred to in the standards. They also seek that there be an additional standard requiring that "the earthworks are wholly contained within the footprint of the walking/cycling track, road, farm track, fence, network utility infrastructure, or renewable electricity generation infrastructure". I support this submission in part. Instead of using the word "existing" I prefer the term "lawfully established" as this is consistent with other provisions within the Plan. In relation to earthworks I do agree that some limits are required on these, which currently the rule does not provide. In relation to buildings and structures provided for in Rule CE – R11 I have recommended a maximum 100m²/100m³/ha area and volume based on the submission point from Forest and Bird in relation to that rule, and also their submission points I discuss below. In relation to the other activities I support including a requirement that the earthworks are contained within the footprint of the activity.
400. Forest and Bird (S560.300) seek that this rule is deleted, or as alternative relief (S560.0564) that it be amended to include appropriate limits and to refer to the permitted activities that they relate to. I do not support the deletion of the rule, however I do support submission point S560.0564 in part, in that I consider limits to the earthworks area appropriate. I have recommended limits to earthworks within this rule as sought by the Department of Conservation and discussed above, and I consider this also provides relief to this submission point.

Recommendations

401. That the following amendments are made to the Coastal Environment Rules:

CE - R8 Additions and Alterations to Lawfully Established Buildings and Structures in the Outstanding Coastal Environment Area
Activity Status Permitted

Where:

1. The addition or alteration increases the building footprint or footprint of the structure by no more than 50m² in any 5 year time period;
2. The maximum height of any addition or alteration to a building and structures above ground level is 5m above ground level.

Advice Note:

1. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter.
2. Any earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and the Margins of Waterbodies Chapters.

Activity status where compliance not achieved: Restricted Discretionary

CE - R9 Maintenance, Alteration, ~~and~~ Repair and ~~Reconstruction~~ of Natural Hazard Mitigation Structures within the Outstanding Coastal Environment Area

Activity Status Permitted

Where:

1. The structure has been lawfully established;
2. Earthworks and land disturbance ~~are the minimum required to undertake the activity~~ is contained wholly within the footprint of the mitigation structure;
3. There is no reduction in public access;
4. ~~The materials used are the same as the original, or most significant material, or the closest equivalent provided that only cleanfill is used where fill materials are part of the structure;~~
5. There is no change to more than 10% to the overall dimensions, orientation or outline of structure from that ~~originally consented, or consented variation lawfully established,~~ and an assessment is provided by a suitably qualified professional confirming the effects are no greater than the ~~originally consented or consented variation lawfully established structure;~~ and
6. ~~The activity is undertaken by a Statutory Agency or their designated contractor.~~

Advice Note:

1. ~~The rules in the Earthworks Chapter do not apply to Permitted Activities under Rule CE – R9.~~
2. Earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and the Margins of Waterbodies Chapters.
3. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter.

Activity status where compliance not achieved: ~~Controlled~~ Restricted Discretionary

CE - R10 Erection of a Buildings ~~or~~ and Structures in the Outstanding Coastal Environment Area

Activity Status Permitted

Where the structure is:

1. A fence; or
2. Associated with stock water reticulation including tanks, pipes and water troughs; or
3. Required for the maintenance, operation, minor upgrade and repair of network utilities or renewable electricity generation activities; or
4. For a network utility customer connections, or environmental monitoring and extreme weather event monitoring; or
5. For agricultural pastoral and horticultural activities or an accessory building; and
 - i. The height of any building or structure does not exceed 5m above ground level; and
 - ii. The gross floor area of any building does not exceed ~~10~~50m²

CE - R11 Earthworks in the Outstanding Coastal Environment

Activity Status Permitted

1. Where the earthworks are wholly contained within the existing footprint or modified ground and these are for:

- a. Maintenance, repair or upgrade of lawfully established walking/cycling tracks, roads, farm tracks or fences; or
- b. Operation, maintenance, repair and upgrade of lawfully established network utility infrastructure or renewable electricity generation; or

2. Where the earthworks are for additions or alterations to lawfully established buildings provided for in Rule CE – R8 where any fill, excavation or removal of material is not more than 100m²/ha and 100m³/ha.

Advice Note:

1. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Biodiversity Chapter.

2. Any earthworks are also subject to relevant rules in the Earthworks, Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters.
3. This rule also applies to ~~plantation-commercial~~ forestry activities where this provision is more stringent than the NES - CPF.

Activity status where compliance not achieved: Restricted Discretionary

402. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

13.0 Submissions on Other Rules for the High Natural Character and Outstanding Coastal Environment Area Overlays

403. The provisions include a range of rules for the High Natural Character Overlay and Outstanding Coastal Area as outlined in the table below. Rather than discuss each rule separately I have grouped these rules in common topics and in this section discuss the submissions on these in relation to the topics.

Rule	Topic Where Addressed in this Report
Rule CE – R12 Natural Hazard Mitigation Structures and Earthworks in the Coastal Environment in High Coastal Natural Character Overlay Area	Natural Hazard Mitigation Structures
Rule CE – R15 Buildings, Structures and Earthworks within the High Coastal Natural Character Overlay	Buildings, Structures and Earthworks
Rule CE – R16 Additions to Existing Buildings and New Buildings and Structures and associated Earthworks within the Outstanding Coastal Environment Area	Buildings, Structures and Earthworks
Rule CE – R17 Natural Hazard Mitigation Structures and Activities in the High Coastal Natural Character Overlay not meeting Controlled Activity Standards	Natural Hazard Mitigation Structures
Rule CE – R18 Earthworks within the Outstanding Coastal Environment Area	Buildings, Structures and Earthworks
Rule CE – R19 Natural Hazard Mitigation Structures and Activities in the Outstanding Coastal Environment not meeting Rule CE - R11	Natural Hazard Mitigation Structures
Rule CE – R20 Afforestation with Plantation Forestry in the Outstanding Coastal Environment Area or any Significant Natural Area identified in Schedule Four in the Coastal Environment	Plantation Forestry
Rule CE – R21 Buildings, Structures and Earthworks in the High Natural Character Overlay or the Outstanding Coastal Environment not meeting Restricted Discretionary Rules	Buildings, Structures and Earthworks

Rule CE – R22 Activities in the Coastal Environment that would destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding	Destruction of an Outstanding Natural Feature
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13.1 Submissions on Other Rules managing Natural Hazard Mitigation Structures

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Rule CE – R12 Natural Hazard Mitigation Structures and Earthworks in the Coastal Environment in High Coastal Natural Character Overlay Area and the Outstanding Coastal Environment not provided for as a Permitted Activity			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.490	Support	Retain rule.
Kyle Avery (S509)	S509.067	Support	Retain as notified.
Leonie Avery (S507)	S507.067	Support	Retain as notified.
Jared Avery (S508)	S508.067	Support	Retain as notified.
Avery Bros (S510)	S510.067	Support	Retain as notified.
Bradshaw Farms (S511)	S511.067	Support	Retain as notified.
Paul Avery (S512)	S512.067	Support	Retain as notified.
Brett Avery (S513)	S513.067	Support	Retain as notified.
Buller District Council (S538)	S538.299	Support	Retain as notified.
Westpower Limited (S547)	S547.439	Support	Retain
Avery Brothers (S609)	S609.059	Support	retain
Leonie Avery (S507)	S507.100	Oppose in part	Amend to be more enabling of development.
Jared Avery (S508)	S508.100	Oppose in part	Amend to be more enabling of development.
Kyle Avery (S509)	S509.100	Oppose in part	Amend to be more enabling of development.
Avery Bros (S510)	S510.100	Oppose in part	Amend to be more enabling of development.
Bradshaw Farms (S511)	S511.100	Oppose in part	Amend to be more enabling of development.
Paul Avery (S512)	S512.100	Oppose in part	Amend to be more enabling of development.
Brett Avery (S513)	S513.100	Oppose in part	Amend to be more enabling of development.
Steve Croasdale (S516)	S516.078	Amend	Amend to be more enabling of development.
Neil Mouat (S535)	S535.050	Oppose in part	Amend to be more enabling of development.
Geoff Volckman (S563)	S563.069	Amend	Amend to be more enabling of development.

Catherine Smart-Simpson (S564)	S564.080	Amend	Amend to be more enabling of development.
Karamea Lime Company (S614)	S614.102	Amend	Amend to be more enabling of development
Peter Langford (S615)	S615.102	Amend	Amend to be more enabling of development
Waka Kotahi NZ Transport Agency (S450)	S450.144	Support	Amend rule reference in the advice note if required.
Grey District Council (S608)	S608.659	Support in part	Reword the title to the following: "Natural Hazard Mitigation Structures and Earthworks in the Coastal Environment in High Coastal Natural Character Overlay Area identified in Schedule Seven and the Outstanding Coastal Environment not <u>meeting permitted activity standards provided for as a Permitted Activity</u> ". Amend Advice Note 1 to refer to correct rule.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.301	Amend	Amend the rule heading to apply to the Coastal Environment
<i>Westpower Limited (FS222)</i>	<i>FS222.0297</i>	<i>Oppose</i>	<i>Disallow</i>
Department of Conservation (S602)	S602.158	Oppose	Amend : Activity Status Controlled <u>Restricted Discretionary</u> Where: These are to protect the coastal State Highway, Special Purpose Roads or other Critical Infrastructure; These are Westport flood and coastal protection works constructed by a statutory agency or its authorised contractor. Matters of control are: <u>Discretion is restricted to:</u> Effects on habitats of any threatened or protected flora or fauna species; <u>indigenous vegetation and habitats of indigenous fauna;</u> Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems; Effects on the intrinsic values of ecosystems; Effects on recreational values of public land; Effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three; Landscape and visual effects; Effects on natural character and natural features; Location, dimensions and appearance

			<p>of the structure; Effects on public access to the coast; <u>Adverse effects on amenity, natural character, and historic heritage; and</u> <u>Consideration of the extent to which hard protection structures are avoided.</u> Advice Note: The rules in the Earthworks Chapter do not apply to Controlled Activities under Rule CE-R11. This rule also applies to plantation forestry activities where this provision is more stringent than the NES - PF. Activity status where compliance not achieved: NA Restricted Discretionary except Discretionary where these are within the Outstanding Coastal Environment Area</p>
<i>Westpower Limited (FS222)</i>	<i>FS222.0101</i>	<i>Oppose</i>	<i>Disallow</i>
Snodgrass Road submitters (S619)	S619.047	Amend	Include an additional matter of control on Rule CE-R12: <u>h. Effects on the flood hazard at properties not protected by the works.</u>
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620)	S620.206	Amend	Include <u>Archaeological sites</u> as a matter of control.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0585	Amend	<p>Amend CE - R12 to ensure it provides for noncompliance with R6 and R9 as set out in those rules. For example, by including the following condition: "Where: A. the maintenance, alteration, repair, or reconstruction is <u>for natural hazard mitigation structure that has been lawfully established; and</u> Amend the conditions as follows: <u>X. provided that only clean fill is used where fill materials are part of the structure;</u>" These are to protect the <u>existing</u> coastal State Highway, Special Purpose Roads or other <u>lawfully established</u> Critical Infrastructure; These are Westport flood and coastal protection works constructed by a statutory agency or its authorized contractor. Add the following matters of control: "k. effects on public access; and l. <u>materials used; and m. the extent and quantity of earthworks to be undertaken is association with the natural hazards structure works.</u>"</p>
<i>Westpower Limited (FS222)</i>	<i>FS222.0298</i>	<i>Oppose</i>	<i>Disallow</i>

Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0586	Amend	Amend the Advice Notes: 1. The rules in the Earthworks Chapter do not apply to Controlled Activities under Rule CE - R112.2. This rule also applies to Plantation forestry activities where this provision is more stringent than the NES - PF."
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0587	Support	Amend the Activity status where compliance not achieved as follows: <u>for maintenance, alteration, repair, or reconstruction with standard 2: Restricted Discretionary. Except in all other cases: Discretionary where these are within the Outstanding Coastal Environment Area</u>
<i>Westpower Limited (FS222)</i>	<i>FS222.0299</i>	<i>Oppose</i>	<i>Disallow</i>
Rule CE – R17 Natural Hazard Mitigation Structures and Activities in the High Coastal Natural Character Overlay not meeting Controlled Activity Standards			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.495	Support	Retain rule.
Buller District Council (S538)	S538.304	Support	Retain as notified.
Geoff Volckman (S563)	S563.073	Amend	Amend to be more enabling of development.
Catherine Smart-Simpson (S564)	S564.084	Amend	Amend to be more enabling of development.
Chris J Coll Surveying Limited (S566)	S566.300	Amend	Amend to be more enabling of development.
William McLaughlin (S567)	S567.363	Amend	Amend to be more enabling of development.
Karamaea Lime Company (S614)	S614.105	Amend	Amend to be more enabling of development
Peter Langford (S615)	S615.105	Amend	Amend to be more enabling of development
Leonie Avery (S507)	S507.104	Oppose in part	Amend to be more enabling of development.
Jared Avery (S508)	S508.104	Oppose in part	Amend to be more enabling of development.
Kyle Avery (S509)	S509.104	Oppose in part	Amend to be more enabling of development.
Avery Bros (S510)	S510.104	Oppose in part	Amend to be more enabling of development.
Bradshaw Farms (S511)	S511.104	Oppose in part	Amend to be more enabling of development.
Paul Avery (S512)	S512.104	Oppose in part	Amend to be more enabling of development.
Brett Avery (S513)	S513.104	Oppose in part	Amend to be more enabling of development.
Steve Croasdale (S516)	S516.082	Amend	Amend to be more enabling of development.
Neil Mouat (S535)	S535.054	Oppose in part	Amend to be more enabling of development.
Chris & Jan Coll (S558)	S558.300	Amend	Amend to be more enabling of development.

Department of Conservation (S602)	S602.162	Oppose	Delete Rule CE-R17 in its entirety.
Westpower Limited (S547)	S547.447	Amend	(1) Add a new item l., " <u>l. The benefits arising from the proposed activity.</u> ". (2) Add a new m., " <u>m. The technical, locational, functional or operational constraints and/or requirements of the activity.</u> ".
Westpower Limited (S547)	S547.448	Amend	Add m. The technical, locational, functional or operational constraints and/or requirements of the activity.
Buller Conservation Group (S552)	S552.134	Amend	1.L. There is a functional need to be located in that area
Frida Inta (S553)	S553.134	Amend	1.L. There is a functional need to be located in that area
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.306	Amend	Amend: <u>Maintenance, repair, alteration and reconstruction of Natural Hazard Mitigation Structures and Activities in the High Coastal Natural Character Overlay</u> not meeting Controlled Activity Standards of CE - R12 Activity Status Restricted Discretionary Where: 1. These are not within the Outstanding Coastal Environment Area. Discretion is restricted to: <u>a. whether the natural hazard mitigation structure is lawfully established;</u> ab. Any requirements for landscape evaluation; bc. Effects on habitats of any threatened or protected flora or fauna species; <u>ed.</u> Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; <u>e.</u> Effects on ecological functioning and the life supporting capacity of air, water, soil, and ecosystems; <u>f.</u> Effects on the intrinsic values of ecosystems; Effects on public access; <u>g.</u> Effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three; <u>h.</u> Landscape and visual effects; <u>di.</u> The extent to which the site is visible from a road or public place; <u>ej.</u> Any effects on the natural character of the coast; <u>k.</u> Location, dimensions, and appearance of the structure. Activity status where compliance not achieved: Discretionary-Non-complying
Westpower Limited (FS222)	FS222.0305	Oppose	Disallow
Rule CE – R19 Natural Hazard Mitigation Structures and Activities in the Outstanding Coastal Environment not meeting Rule CE - R11			

Grey District Council (S608)	S608.664	Oppose in part	Reword the title to refer to the correct provision and not CE - R11.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.497	Support	Retain rule.
Leonie Avery (S507)	S507.068	Support	Retain as notified.
Jared Avery (S508)	S508.068	Support	Retain as notified.
Kyle Avery (S509)	S509.068	Support	Retain as notified.
Avery Bros (S510)	S510.068	Support	Retain as notified.
Paul Avery (S512)	S512.068	Support	Retain as notified.
Bradshaw Farms (S511)	S511.068	Support	Retain as notified.
Buller District Council (S538)	S538.306	Support	Retain as notified.
Avery Brothers (S609)	S609.060	Support	retain
Brett Avery (S513)	S513.106	Oppose in part	Amend to be more enabling of development.
Leonie Avery (S507)	S507.106	Oppose in part	Amend to be more enabling of development.
Jared Avery (S508)	S508.106	Oppose in part	Amend to be more enabling of development.
Kyle Avery (S509)	S509.106	Oppose in part	Amend to be more enabling of development.
Avery Bros (S510)	S510.106	Oppose in part	Amend to be more enabling of development.
Bradshaw Farms (S511)	S511.106	Oppose in part	Amend to be more enabling of development.
Paul Avery (S512)	S512.106	Oppose in part	Amend to be more enabling of development.
Steve Croasdale (S516)	S516.084	Amend	Amend to be more enabling of development.
Neil Mouat (S535)	S535.056	Oppose in part	Amend to be more enabling of development.
Geoff Volckman (S563)	S563.075	Amend	Amend to be more enabling of development.
Catherine Smart-Simpson (S564)	S564.086	Amend	Amend to be more enabling of development.
Karamea Lime Company (S614)	S614.107	Amend	Amend to be more enabling of development
Peter Langford (S615)	S615.107	Amend	Amend to be more enabling of development
Westpower Limited (S547)	S547.452	Amend	1. These will not destroy ... or the values which <u>together</u> make it Outstanding; except ...
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.308	Amend	Amend CE - R19 as follows: " <u>Where CE - R17 is not complied with or for New Natural Hazard Mitigation Structures and Natural Hazard Mitigation Activities in the Outstanding Coastal Environment not meeting Rule CE - R11- Activity Status Discretionary</u> Where: These will not <u>adversely affect</u>

			destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding; except Where a written report of a suitably qualified natural hazards professional identifies that the Outstanding Natural Feature is a severe risk to people or property. Activity status where compliance not achieved: Non-complying prohibited
<i>Westpower Limited</i>	<i>FS222.0307</i>	<i>Oppose</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0561	Amend	Make similar amendments as sought for CE - R12 above to capture all activities where compliance is not achieved with preceding rules.
<i>Westpower Limited (FS222)</i>	<i>FS222.0308</i>	<i>Oppose</i>	<i>Disallow</i>
Grey District Council (S608)	S608.081	Amend	Change "Limited Notified" to " <u>will require the written approval of the Geosciences Society of New Zealand</u> " Rule to read: "Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding <u>will require the written approval of the Geosciences Society of New Zealand.</u> "

Analysis

Rule CE – R12 Natural Hazard Mitigation Structures and Earthworks in the Coastal Environment in High Coastal Natural Character Overlay Area and the Outstanding Coastal Environment not provided for as a Permitted Activity

404. Twelve submitters support this rule. This support is noted.
405. Eleven submitters seek that this rule is amended to be more enabling of development. These submitters consider that the rule is too restrictive. I do not support these submissions. Natural hazard protection structures can have significant adverse effects on natural character values, particularly where these are located in the coastal environment, as well as adverse effects on public access and biodiversity values such as movement or nesting of coastal bird species such as penguins. Because of this, this Controlled Activity rule is proposed to only apply in specific circumstances where the protection works are: to protect the roading network or critical infrastructure; or to construct the Westport coastal and flood hazard protection works (which could affect HCNC 52 Orowaiti Lagoon).
406. Waka Kotahi (S450.144) and Grey District Council (S608.659) seek that the advice note be corrected to refer to Rule CE – R12 rather than CE – R11. I do not support these submissions as I recommend that the advice note is deleted. I consider all relevant rules in the Plan should be assessed as part of any resource consent process.
407. Grey District Council (S608.659) seek that the rule title be amended to refer to "not meeting permitted activity standards" rather than "not provided for as a permitted activity". This is a rule consistency issue and I support this submission.
408. Forest and Bird (S560.301) seek that this rule apply to the entire coastal environment, rather than just areas within the HCNC overlay and Outstanding Coastal Environment. I do not support this submission. As I have discussed in relation to rules CE – R4, CE – R6, CE – R9 I have carefully considered how natural hazard mitigation structures are treated across the whole plan and my recommendations from previous s42A reports. My recommendations are consistent with those reports, and seek to manage the adverse effects of these structures commensurate with the values of their location while also recognising that there are

- substantially modified parts of the coastal environment in locations such as the three main towns, where these structures are prevalent.
409. Department of Conservation (S602.158) seek that the activity status for this rule be increased to Restricted Discretionary, and that this apply to all coastal protection works in these locations, not the more limited application in standards 1 and 2. This would have the effect of combining this rule with Rule CE – R17. They seek several additional matters of discretion. They also seek that the advice note stating that the Earthworks chapter rules do not apply is deleted. I support this submission in part. I have previously recognised in response to earlier submission points from this, and other submitters, that a controlled activity is not appropriate, as consent cannot be declined. A restricted discretionary activity is also consistent with my recommendations in the s42A report about how these activities are managed within the natural features and landscape chapter. I do however consider it appropriate to retain standard 2 – as I consider that a Discretionary Activity under Rule CE – R19 is appropriate for natural hazard mitigation structures that are not required to protect the state highway. I support the proposed amendment to the matter of discretion around indigenous vegetation and habitats as this is more consistent with the direction of higher order documents. I note that natural character is already part of a matter of discretion and consider that rather than add an additional matter of discretion, that historic heritage could be considered in matter f. and that amenity values are already addressed in matter h. I do not support the addition of a specific matter of discretion around avoidance of hard protection structures as I consider this goes beyond the direction provided in the NZCPS or WCRPS on this matter.
 410. Snodgrass Road submitters (S619.047) seek an additional matter of control “Effects on the flood hazard at properties not protected by the works”. These submitters are concerned that any flood protection works could exacerbate the flooding of any properties not protected from the flooding. I support this submission in part, as protection structures can have significant end effects deflecting hazards onto adjacent land. I recommend an additional matter of discretion “effects on the level of hazard risk created by the structure on other properties
 411. Ngāi Tahu (S620.206) seek that effects on archaeological sites be included as a matter of control. I support this submission and recommend this matter is addressed as part of matter of discretion f.
 412. Forest and Bird (S560.0585) seek that this rule be amended to become an escalation rule for non-compliance with Rule 6 and Rule 9, that it only relate to existing and lawfully established activities and not apply to the Westport protection scheme. They also seek additional matters of control – effects on public access, materials used, and extent and quantity of earthworks to be undertaken. They also seek (S560.0587) that the rule escalate to Restricted Discretionary where standard 2 is not complied with. I do not support these submissions which propose a substantial change to the way natural hazard protection structures in the coast are managed. However I do note that I have recommended a range of changes to all the natural hazard protection structure rules, including this one, in response to some other submitters points and that these changes provide some relief to the issues of concern to this submitter.
 413. Forest and Bird (S560.0586) seek that Advice Notes 1 and 2 are deleted. I support this submission point which is similar to that raised by the Department of Conservation in relation to advice note 1. I consider that a resource consent for this activity should apply to all relevant rules in the Plan. Advice note 2 is an error and has been attached to the wrong rule so I also support its deletion.

Rule CE – R17 Natural Hazard Mitigation Structures and Activities in the High Coastal Natural Character Overlay not meeting Controlled Activity Standards

414. Two submitters support this rule. This support is noted.
415. Sixteen submitters seek that this rule be amended to be more enabling of development. These submitters consider this rule is too restrictive. I do not support these submissions. My comments in relation to these submitters submission points on other, similar rules, apply equally here.

416. Department of Conservation (S602.162) seek that the rule be deleted in its entirety as a consequential amendment to its submission on Rule 12. This submitter considers that a Restricted Discretionary Activity is inappropriate when giving effect to Policies 13 and 15 of the NZCPS. I support this submission as I have supported their submission on Rule 12.
417. Because I recommend the deletion of this rule I consider the submission points further below in relation to the amended Rule CE – R12.
418. Westpower Limited (S547.447) and Westpower Limited (S547.448) seek additional matters of discretion be included in this Rule. These relate to the benefits arising from the proposed activity, the technical, locational, functional or operational constraints and/or requirements of the activity. Buller Conservation Group (S552.134) and Frida Inta (S553.134) also seek an additional matter of discretion “there is a functional need to be located in that area”. I do not support these submissions. Coastal protection works by their definition have a functional need to locate in the coastal environment. I do not consider that the benefits arising from the proposed activity are a relevant matter within the context of the direction provided by higher order documents.
419. Forest and Bird (S560.306) seek that this rule is amended to apply across the Coastal Environment as an escalation rule from CE – R12 with substantial amendment. They seek this rule only apply to lawfully established natural hazard mitigation structures and that there be addition of a range of matters of discretion. I do not support this submission as it proposes a substantial change to how natural hazard mitigation structures are managed and I have taken care to recommend amendments to the rules which reflect the values of different parts of the coastal environment. I do note that some of the other amendments I have recommended may in part provide relief to the concerns of this submitter.

Rule CE – R19 Natural Hazard Mitigation Structures and Activities in the Outstanding Coastal Environment not meeting Rule CE - R11

420. Firstly in considering the submissions on this rule I must note an error in the Rule title – it should refer to Rule CE – R12 not CE – R11. Grey District Council (S608.664) identify this error and seek its rectification. I support this submission.
421. Ten submitters support this rule. This support is noted.
422. Twelve submitters seek that this rule be amended to be more enabling of development. These submitters consider this rule is too restrictive. I do not support these submissions. My comments in relation to these submitters submission points on other, similar rules, apply equally here.
423. Westpower (S547.452) seek that the standard 1 is amended to refer to the values “together” making the site outstanding. I do not support this submission. I appreciate this phrase is used in the policy context, but I consider that for the purposes of a rule it reduces clarity and therefore is not appropriate for a performance standard.
424. Forest and Bird (S560.308, S560.0561) seek that this rule be linked as an escalation rule for Rule CE -17, and that it apply to all new natural hazard mitigation structures in the Coastal Environment as a consequence of amendments they have sought to other rules that I have not supported. Therefore I do not support these aspects of this submission point either. They also seek that the rule escalate to Prohibited if there is an adverse effect (rather than destruction) on an Outstanding Natural Feature. I do not support this part of the submission either. I consider that there are circumstances where application for a resource consent should be provided for which may involve damage to some value on an outstanding natural feature.
425. Grey District Council (S608.081) seek that the limited notification clause be changed to a written approval clause. I support this submission as limited notification clauses are no longer provided for in the RMA.

Recommendations

426. That the following amendments are made to the Coastal Environment Rules:

CE - R12

Natural Hazard Mitigation Structures and associated Earthworks in the Coastal Environment in High Coastal Natural Character Overlay Area identified in Schedule Seven and the Outstanding Coastal Environment not provided for as a meeting Permitted Activity standards
Activity Status ~~Controlled~~ Restricted Discretionary

Where:

1. Within the Outstanding Coastal Environment Area these are only to protect the coastal State Highway, Special Purpose Roads or other Critical Infrastructure;
2. ~~These are Westport flood and coastal protection works constructed by a statutory agency or its authorised contractor.~~

~~Matters of control are~~ Discretion is Restricted to:

- a. ~~Effects on habitats of any threatened or protected flora or fauna species~~ indigenous vegetation and habitats of indigenous fauna;
- b. ~~Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;~~
- c. ~~Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;~~
- d. ~~Effects on the intrinsic values of ecosystems;~~
- e. ~~Effects on recreational values of public land;~~
- f. ~~Effects on Poutini Ngāi Tahu values, any Sites and Areas of Significance to Māori identified in Schedule Three, any archaeological sites, or any heritage items identified in Schedule One;~~
- g. ~~Landscape and visual effects;~~
- h. ~~Effects on natural character and natural features;~~
- i. ~~Location, dimensions and appearance of the structure;~~
- j. ~~Effects on public access to the coast; and~~
- k. Effects on the level of hazard risk created by the structure on other properties.

~~Advice Note:-~~

1. ~~The rules in the Earthworks Chapter do not apply to Controlled Activities under Rule CE-R112.-~~
2. ~~This rule also applies to plantation forestry activities where this provision is more stringent than the NES-PF.~~

Activity status where compliance not achieved: Restricted

~~Discretionary except~~

~~Discretionary where these are within the Outstanding Coastal Environment Area~~

~~CE-R17~~

~~Natural Hazard Mitigation Structures and Activities in the High Coastal Natural Character Overlay not meeting Controlled Activity Standards~~
~~Activity Status Restricted Discretionary~~

~~Where:~~

1. ~~These are not within the Outstanding Coastal Environment Area.~~

~~Discretion is restricted to:~~

- a. ~~Any requirements for landscape evaluation;~~
- b. ~~Effects on habitats of any threatened or protected species;~~
- c. ~~Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;~~
- d. ~~The extent to which the site is visible from a road or public place;~~
- e. ~~Any effects on the natural character of the coast;~~
- f. ~~The effects on potential or current public access to the coast;~~
- g. ~~The effects on Poutini Ngāi Tahu values;~~
- h. ~~Design and location of any buildings, structures or earthworks;~~
- i. ~~Volume and area of earthworks;~~
- j. ~~Area and location of indigenous vegetation clearance; and~~
- k. Landscape measures; and

~~1. Effects on archaeological sites~~

Activity status where compliance not achieved: Discretionary

CE - R19 Natural Hazard Mitigation Structures and Activities in the Outstanding Coastal Environment not meeting Rule CE - R112

Activity Status Discretionary

Where:

1. These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding; except
2. Where a written report of a suitably qualified natural hazards professional identifies that the Outstanding Natural Feature is a severe risk to people or property.

Notification:

Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding will require the written approval ~~always be Limited Notified to~~ of the Geosciences Society of New Zealand ~~and may be publicly notified~~.

Advice Note:

When assessing resource consents for natural hazard mitigation activities under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes policies will be required.

Activity status where compliance not achieved: Non-complying

427. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

13.2 Submissions on rules in relation to Buildings, Structures and Earthworks

Submissions

Submitter Name / ID	Submission Point	Position	Decision Requested
Rule CE – R15 Buildings, Structures and Earthworks within the High Coastal Natural Character Overlay not meeting Permitted Activity Standards			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.493	Support	Retain rule.
Buller District Council (S538)	S538.302	Support	Retain as notified.
Leonie Avery (S507)	S507.102	Oppose in part	Amend to be more enabling of development.
Jared Avery (S508)	S508.102	Oppose in part	Amend to be more enabling of development.
Kyle Avery (S509)	S509.102	Oppose in part	Amend to be more enabling of development.
Avery Bros (S510)	S510.102	Oppose in part	Amend to be more enabling of development.
Bradshaw Farms (S511)	S511.102	Oppose in part	Amend to be more enabling of development.
Paul Avery (S512)	S512.102	Oppose in part	Amend to be more enabling of development.
Brett Avery (S513)	S513.102	Oppose in part	Amend to be more enabling of development.

Steve Croasdale (S516)	S516.080	Amend	Amend to be more enabling of development.
Neil Mouat (S535)	S535.052	Oppose in part	Amend to be more enabling of development.
Geoff Volckman (S563)	S563.071	Amend	Amend to be more enabling of development.
Catherine Smart-Simpson (S564)	S564.082	Amend	Amend to be more enabling of development.
Chris J Coll Surveying Limited (S566)	S566.297 S566.298	Amend	Amend to be more enabling of development.
William McLaughlin (S567)	S567.360 S567.361	Amend	Amend to be more enabling of development.
Chris & Jan Coll (S558)	S558.297 S558.298	Amend	Amend to be more enabling of development.
Karamaea Lime Company (S614)	S614.104	Amend	Amend to be more enabling of development
Peter Langford (S615)	S615.104	Amend	Amend to be more enabling of development
Westpower Limited (S547)	S547.442	Amend	Add <u>n. The benefits arising from the proposed activity.</u>
Westpower Limited (S547)	S547.443	Amend	Add <u>o. The technical, locational, functional or operational constraints and/or requirements of the activity.</u>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.304	Amend	Consider combining CE - R14 and CE - R15
<i>Westpower Limited (FS222)</i>	<i>FS222.0303</i>	<i>Oppose</i>	<i>Disallow</i>
Department of Conservation (S602)	S602.160	Amend	Amend: Activity Status Restricted Discretionary Discretion is restricted to: Any requirements for landscape evaluation; The extent to which the site is visible from a road or public place; The effects on the natural character of the coast; The effects on landscape and natural features of the coast; The effects on potential or existing public access to the coast; Design and location of any buildings, structure or earthworks; Volume and area of earthworks; Effects on habitats of any threatened or protected flora or fauna species; <u>indigenous vegetation and habitats of indigenous fauna;</u> <u>Adverse effects on biodiversity and conservation values;</u> Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; Effects on recreational values of public land; Effects on Poutini Ngāi Tahu values

			<p>and any Sites and Areas of Significance to Māori identified in Schedule Three; <u>Adverse effects on amenity</u>;</p> <p><u>Adverse effects on historic heritage</u>;</p> <p><u>Adverse effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems</u>; Landscape and visual effects; and</p> <p>Location, dimensions and appearance of any structure</p> <p>Advice Note:</p> <p>This rule also applies to plantation forestry activities where this provision is more stringent than the NES - PF.</p> <p>Activity status where compliance not achieved: N/A</p>
<i>Westpower Limited (FS222)</i>	<i>FS222.0103</i>	<i>Oppose</i>	<i>Disallow</i>
<i>West Coast Penguin Trust (FS45)</i>	<i>FS45.39</i>	<i>Support</i>	<i>Allow</i>
Grey District Council (S608)	S608.662	Support in part	Insert activity status where compliance not achieved.
Rule CE – R16 Additions to Existing Buildings and New Buildings and Structures and associated Earthworks within the Outstanding Coastal Environment Area not meeting Permitted Activity Standards			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.494	Support	Retain rule.
Buller District Council (S538)	S538.303	Support	Retain as notified.
Neil Mouat (S535)	S535.053	Oppose in part	Amend to be more enabling of development.
Leonie Avery (S507)	S507.103	Oppose in part	Amend to be more enabling of development.
Jared Avery (S508)	S508.103	Oppose in part	Amend to be more enabling of development.
Kyle Avery (S509)	S509.103	Oppose in part	Amend to be more enabling of development.
Avery Bros (S510)	S510.103	Oppose in part	Amend to be more enabling of development.
Bradshaw Farms (S511)	S511.103	Oppose in part	Amend to be more enabling of development.
Paul Avery (S512)	S512.103	Oppose in part	Amend to be more enabling of development.
Brett Avery (S513)	S513.103	Oppose in part	Amend to be more enabling of development.
Steve Croasdale (S516)	S516.081	Amend	Amend to be more enabling of development.
Chris & Jan Coll (S558)	S558.299	Amend	Amend to be more enabling of development.

Geoff Volckman (S563)	S563.072	Amend	Amend to be more enabling of development.
Catherine Smart-Simpson (S564)	S564.083	Amend	Amend to be more enabling of development.
Chris J Coll Surveying Limited (S566)	S566.299	Amend	Amend to be more enabling of development.
William McLaughlin (S567)	S567.362	Amend	Amend to be more enabling of development.
Russell and Joanne Smith (S477)	S477.017, S477.018	Oppose	Remove all matters of discretion where existing subdivisions are in place except those which relate to landscape and amenity values
Tim Macfarlane (S482)	S482.017, S482.018	Oppose	Remove all matters of discretion where existing subdivisions are in place except those which relate to landscape and amenity values
Claire & John West (S506)	S506.017, S506.018	Oppose	Remove all matters of discretion where existing subdivisions are in place except those which relate to landscape and amenity values
Lauren Nyhan Anthony Phillips (S533)	S533.017, S533.018	Oppose	Remove all matters of discretion where existing subdivisions are in place except those which relate to landscape and amenity values
Stewart & Catherine Nimmo (S559)	S559.017, S559.018	Oppose	Remove all matters of discretion where existing subdivisions are in place except those which relate to landscape and amenity values
Joel and Jennifer Watkins (S565)	S565.029	Amend	Remove all matters of discretion where existing subdivisions are in place except those which relate to landscape and amenity values.
Tim and Phaedra Robins (S579)	S579.026	Amend	Remove all matters of discretion where existing subdivisions are in place except those which relate to landscape and amenity values
Buller Conservation Group (S552)	S552.133	Amend	change R16 to Discretionary
Frida Inta (S553)	S553.133	Amend	change R16 to Discretionary
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.305	Amend	Combine CE - R16 with CE - 21 so that the activity is Discretionary on the same condition for natural features.
<i>Westpower Limited (FS222)</i>	<i>FS222.0304</i>	<i>Oppose</i>	<i>Disallow</i>
Department of Conservation (S602)	S602.161	Oppose	Delete Rule CE-R16 in its entirety.
<i>Westpower Limited (FS222)</i>	<i>FS222.0104</i>	<i>Oppose</i>	<i>Disallow</i>

Westpower Limited (S547)	S547.444	Amend	(1) Amend item 3.i., "i. A network utility, energy activity, critical infrastructure, or electricity generation activity.". (2) Add a new item m., "m. The benefits arising from the proposed activity.". (3) Add a new n., "n. The technical, locational, functional or operational constraints and/or requirements of the activity.".
Rule CE – R18 Earthworks within the Outstanding Coastal Environment Area not provided for as a Permitted Activity			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.496	Support	Retain rule.
Buller District Council (S538)	S538.305	Support	Retain as notified.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0569	Amend	Retain the scope of activities under this rule as set out in Condition 1.
Leonie Avery (S507)	S507.105	Oppose in part	Amend to be more enabling of development.
Jared Avery (S508)	S508.105	Oppose in part	Amend to be more enabling of development.
Kyle Avery (S509)	S509.105	Oppose in part	Amend to be more enabling of development.
Avery Bros (S510)	S510.105	Oppose in part	Amend to be more enabling of development.
Bradshaw Farms (S511)	S511.105	Oppose in part	Amend to be more enabling of development.
Paul Avery (S512)	S512.105	Oppose in part	Amend to be more enabling of development.
Brett Avery (S513)	S513.105	Oppose in part	Amend to be more enabling of development.
Steve Croasdale (S516)	S516.083	Amend	Amend to be more enabling of development.
Neil Mouat (S535)	S535.055	Oppose in part	Amend to be more enabling of development.
Chris & Jan Coll (S558)	S558.301	Amend	Amend to be more enabling of development.
Geoff Volckman (S563)	S563.074	Amend	Amend to be more enabling of development.
Catherine Smart-Simpson (S564)	S564.085	Amend	Amend to be more enabling of development.
Chris J Coll Surveying Limited (S566)	S566.301	Amend	Amend to be more enabling of development.
William McLaughlin (S567)	S567.364	Amend	Amend to be more enabling of development.
Karamea Lime Company (S614)	S614.106	Amend	Amend to be more enabling of development
Peter Langford (S615)	S615.106	Amend	Amend to be more enabling of development

Joel and Jennifer Watkins (S565)	S565.030	Amend	Remove all matters of discretion where existing subdivisions are in place except those which relate to landscape and amenity values
Tim and Phaedra Robins (S579)	S579.027	Support	Remove all matters of discretion where existing subdivisions are in place except those which relate to landscape and amenity values
Westpower Limited (S547)	S547.449	Amend	Amend 1.iii. Installation of network utility infrastructure, <u>energy activity infrastructure, critical infrastructure,</u> or renewable electricity generation activities.
Westpower Limited (S547)	S547.450	Amend	Add l. <u>The benefits arising from the proposed activity.</u>
Westpower Limited (S547)	S547.451	Amend	Add m. <u>The technical, locational, functional or operational constraints and/or requirements of the activity.</u>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.307	Not Stated	Amend: <u>Activities and Earthworks</u> within the Outstanding Coastal Environment Area not provided for as a Permitted Activity
<i>Westpower Limited (FS222)</i>	<i>FS222.0306</i>	<i>Oppose</i>	<i>Disallow</i>

Department of Conservation (S602)	S602.163	Amend	<p>Amend:</p> <p>Activity Status Restricted</p> <p>Discretionary</p> <p>Where:</p> <p>These are for:</p> <p>Walking/cycling tracks;</p> <p>Roads, farm tracks or fences;</p> <p>Installation of network utility infrastructure or renewable electricity generation activities; or</p> <p>For establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site; and Earthworks are the minimum required to undertake the activity. Discretion is restricted to: <u>The extent to which the earthworks preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use, and development;</u> <u>The extent to which the earthworks protect natural features and natural landscapes from inappropriate subdivision, use, and development;</u> Any requirements for landscape evaluation; <u>The extent to which earthworks are the minimum required to undertake the activity;</u> The extent to which the site is visible from a road or public place;</p> <p>Any effects on the values that make the site Outstanding;</p> <p>Effects on habitats of any threatened or protected species; <u>indigenous vegetation and habitats of indigenous fauna;</u> Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;</p> <p>The effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three;</p> <p>Design and location of any earthworks;</p> <p>Volume and area of earthworks;</p> <p>Area and location of vegetation clearance; <u>Adverse effects on amenity, natural character, and historic heritage;</u> Landscape measures to reduce the visual effects on the values of the Outstanding Natural Landscape or Feature; and</p> <p>Where relevant, matters included within Policy NFL - P6.</p>
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			<p>Advice Note:</p> <p>This rule also applies to plantation forestry activities where this provision is more stringent than the NES - PF.</p> <p>Activity status where compliance not achieved: Discretionary</p>
Grey District Council (S608)	S608.663	Support in part	Reword the title to the following: "Earthworks within the Outstanding Coastal Environment Area not <u>meeting permitted activity standards provided for as a Permitted Activity</u> "
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0570	Amend	Clarify that "existing" is existing at the time the Plan becomes operative.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0571	Amend	Delete Condition 2 or set a measurable limit
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0572	Amend	Add matters of discretion: <u>The location of the activity on the site; and Whether the site includes significant natural area on applying the WCRPS Appendix 1 criteria and effects on the values in that area(s).</u>
Rule CE – R21 Buildings, Structures and Earthworks in the High Natural Character Overlay or the Outstanding Coastal Environment not meeting Restricted Discretionary Rules			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.499	Support	Retain rule.
Buller District Council (S538)	S538.308	Support	Retain as notified.
John Brazil (S360)	S360.043	Oppose in part	Amend to be more enabling of development.
Leonie Avery (S507)	S507.107	Oppose in part	Amend to be more enabling of development.
Jared Avery (S508)	S508.107	Oppose in part	Amend to be more enabling of development.
Kyle Avery (S509)	S509.107	Oppose in part	Amend to be more enabling of development.
Avery Bros (S510)	S510.107	Oppose in part	Amend to be more enabling of development.
Bradshaw Farms (S511)	S511.107	Oppose in part	Amend to be more enabling of development.
Paul Avery (S512)	S512.107	Oppose in part	Amend to be more enabling of development.
Brett Avery	S513.107	Oppose in part	Amend to be more enabling of development.
Steve Croasdale (S516)	S516.085	Amend	Amend to be more enabling of development.

Neil Mouat (S535)	S535.057	Oppose in part	Amend to be more enabling of development.
Geoff Volckman (S563)	S563.076	Oppose in part	Amend to be more enabling of development.
Catherine Smart-Simpson (S564)	S564.087	Amend	Amend to be more enabling of development.
Avery Brothers (S609)	S609.087	Amend	Amend to be more enabling of development
Karamea Lime Company (S614)	S614.108	Amend	Amend to be more enabling of development
Peter Langford (S615)	S615.108	Amend	Amend to be more enabling of development
Westpower Limited (S547)	S547.453	Amend	Amend 1. These will not destroy ... or the values <u>which together</u> make it Outstanding.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.310	Amend	Amend to a non-complying rule
<i>Westpower Limited (FS222)</i>	<i>FS222.0309</i>	<i>Oppose</i>	<i>Disallow</i>

Analysis

Rule CE – R15 Buildings, Structures and Earthworks within the High Coastal Natural Character Overlay not meeting Permitted Activity Standards

428. Two submitters support this rule. This support is noted.
429. Sixteen submitters seek that this rule is amended to be more enabling of development. These submitters consider that the rule is too restrictive. I do not support these submissions. This rule allows for buildings, structures and earthworks within areas of High Coastal Natural Character to be assessed against a number of relevant matters of discretion. There is no escalation rule – these activities would all be considered as a Restricted Discretionary Activity. Given the significance of these areas in the coastal environment, I consider that this rule is not excessively restrictive and provides a reasonable pathway for new use and development to be considered in these areas.
430. Westpower Limited (S547.442) seeks that there be a new matter of discretion “the benefits arising from the proposed activity”. I do not support this submission. I do not consider that the benefits arising from the proposed activity are a relevant matter within the context of the direction provided by higher order documents.
431. Westpower Limited (S547.443) seek that there be a new matter of discretion “the technical, locational, functional or operational constraints and/or requirements of the activity”. I support this submission in part. I support the addition of a matter of discretion “the functional needs or operational needs of the activity” as this is consistent with Policy CE – P5 and the approach taken around using the definitions from the national planning standards for operational need.
432. Forest and Bird (S560.304) seeks that Rule CE – R14 and CE – R15 be combined. I do not support this submission. Rule CE – R15 also regulates earthworks, which are not regulated in Rule CE – 14 or within the Coastal Environment rules outside of the Outstanding Environment Area and High Natural Character Overlay. I note that Forest and Bird seek this amalgamation in part because they have sought wider regulation of earthworks in other submission points, that I have not recommended to accept.
433. Department of Conservation (S602.160) seek some amendments to the matters of discretion and addition of new matters of discretion. I support this submission in part, consistent with the amendments I recommended in relation to other Restricted

Discretionary Activity rules. I also note that the advice note in relation to Plantation Forestry Activities has been incorrectly applied to this rule, and recommend its deletion as a Clause 16 to Schedule 1 of the RMA amendment

434. Grey District Council (S608.662) appear to have misinterpreted the rule and seek reference to the escalation status where the rule is not met. There is no escalation rule and as is written in the Plan the activity status where compliance is not achieved is N/A. I therefore do not support this submission.

Rule CE – R16 Additions to Existing Buildings and New Buildings and Structures and associated Earthworks within the Outstanding Coastal Environment Area not meeting Permitted Activity Standards

435. Two submitters support this rule. This support is noted.
436. Fourteen submitters seek that this rule is amended to be more enabling of development. These submitters consider that this rule is too restrictive. Russell and Joanne Smith (S477.017, S477.018), Tim Macfarlane (S482.017, S482.018), Claire & John West (S506.017, S506.018), Lauren Nyhan and Anthony Phillips (S533.017, S522.018), Stewart & Catherine Nimmo (S559.017, S559.018), Joel and Jennifer Watkins (S565.029) and Tim and Phaedra Robins (S579.026) seek that all matters of discretion are removed where existing subdivisions are in place except those which relate to landscape and amenity values.
437. I do not support these submissions. As I have outlined previously, the Outstanding Coastal Environment Area represents the most significant coastal natural landscapes and areas of coastal natural character on the West Coast. As such they have the highest level of protection associated with them. There is very little development within these areas, and I consider that the direction in Section 6 of the RMA, Policies 13 and 15 of the NZCPS and Policy 1(b) of the Coastal Environment Chapter of the WCRPS sets a clear expectation that the Permitted Activities in these areas will be limited to those that are not likely to lead to adverse effects – not just significant adverse effects. For this reason this rule is very careful to ensure any activities provided for within this rule do not result in the degradation of these outstanding landscape, biodiversity or natural character values.
438. Westpower Limited (S547.444) seek additional activities to be provided for within this rule – a network utility, energy activity, critical infrastructure or electricity generation activity, and two additional matters of discretion. I do not support this submission. The direction in the WCRPS around outstanding areas provides for National Grid (Policy 2 of the Coastal Environment Chapter) and renewable electricity generation only (Policy 4 of the Coastal Environment Chapter), not the wider activities sought in this submission point.
439. Buller Conservation Group (S552.133), Frida Inta (S553.133) and Forest and Bird (S560.305) seek that this rule be amended to being a Discretionary Activity by combining it with CE – R21. Department of Conservation (S602.161) seek that this rule be deleted in its entirety. These submitters consider that a Restricted Discretionary Activity is inappropriate when giving effect to Policies 13 and 15 of the NZCPS.
440. I support these submissions in that I consider that these activities should be Discretionary.
441. I note that the equivalent rule within the NFL – natural features and landscape chapter is a Restricted Discretionary Activity, however the direction from the NZCPS and WCRPS around outstanding areas in the coastal environment is much stronger than that for wider ONFLs. I agree with the submitters that the direction from higher order documents means that a Discretionary Activity for these activities is more appropriate. This has the consequential effect on Rule CE – 21 and also requires an escalation rule where the performance standards are not met - a new Rule CE – R22A – Buildings and Structures in the Outstanding Coastal Environment Area not meeting Permitted or Discretionary Activity Rules.
442. While there is no specific submission seeking this change, I consider that as a consequential amendment to the change recommended for CE – R8 – the term “lawfully established” should be used in rather than the term “existing” in this rule.

Rule CE – R18 Earthworks within the Outstanding Coastal Environment Area not provided for as a Permitted Activity

443. Two submitters support this rule. Forest and Bird (S560.0569) support the scope of activities covered by the rule. This support is noted.
444. Sixteen submitters seek that this rule is amended to be more enabling of development. These submitters consider that this rule is too restrictive. Joel and Jennifer Watkins (S565.030) and Tim and Phaedra Robins (S579.027) seek that all matters of discretion are removed where existing subdivisions are in place except those which relate to landscape and amenity values.
445. I do not support these submissions. As I have outlined previously, the Outstanding Coastal Environment Area represents the most significant coastal natural landscapes and areas of coastal natural character on the West Coast. As such they have the highest level of protection associated with them. There is very little development within these areas, and I consider that the direction in Section 6 of the RMA, Policies 13 and 15 of the NZCPS and Policy 1(b) of the Coastal Environment Chapter of the WCRPS sets a clear expectation that the Permitted Activities in these areas will be limited to those that are not likely to lead to adverse effects – not just significant adverse effects. For this reason this rule is very careful to ensure any activities provided for within this rule do not result in the degradation of these outstanding landscape, biodiversity or natural character values.
446. Westpower Limited (S547.449) seeks that this rule also apply to the installation of energy activity infrastructure and critical infrastructure. I do not support this submission as I consider that expanding the range of activities to which the rule applies does not meet the clear direction in the WCRPS around what activities are appropriate within outstanding areas.
447. Westpower Limited (S547.450) seeks an additional matter of discretion "the benefits arising from the proposed activity". I do not support this for the same reasons I have provided in relation to similar submissions points.
448. Westpower Limited (S547.451) seeks an additional matter of discretion "The technical, locational, functional or operational constraints and/or requirements of the activity". I do not support this submission. I consider that in relation to the outstanding coastal environment area, Policy 1 (2) of the Coastal Environment chapter WCRPS is a key driver. It is only in relation to the National Grid that Policy 2 (2) does recognise that in areas of outstanding natural features and landscapes and high and outstanding natural character technical and operational constraints should be considered.
449. Forest and Bird (S560.307) seeks that this rule is combined to cover both earthworks and buildings and structures. I do not support this submission. The framework of managing earthworks and buildings and structures is similar across the NFL and Coastal Environment Chapter and I consider that consistency is useful. I also note that managing these activities within separate rules is a common approach in other, recent district plans.
450. Department of Conservation (S602.163) seek a number of changes to matters of discretion which I support in part, consistent with other recommendations I have made to similar submission points. They also seek a number of changes to the rule to include specific assessment on natural character, natural features and natural landscapes and seek to address the scale of earthworks through the assessment process rather than as a standard within the rule. I support this part of the submission in part also. I propose different wording for the additional assessment criteria, more consistent with the phraseology in the rest of the Plan but agree that deletion of standard 2.
451. Grey District Council (S608.663) seek that the title for the rule is reworded to be consistent with other rules in the Plan. I support this submission.
452. Forest and Bird (S560.0570) seek that the rule be amended so that clause iv of standard 1 only applies to sites where there is no existing building at the time of notification of the plan. I do not support this submission. These rules were not in effect at the time of notification of the Plan, and subdivision to create additional lots may have occurred, including potentially through the "bonus lot" provisions of the

Ecosystems and Biodiversity rules. I consider it appropriate that the rule provide a consenting pathway for lawfully established allotments to have a residential dwelling locate on them, and I consider a Restricted Discretionary Activity appropriate for this activity.

- 453. Forest and Bird (S560.0571) seek that condition 2 is deleted. I support this submission point, which was also sought by the Department of Conservation, for the same reasons.
- 454. Forest and Bird (S560.0572) seek additional matters of discretion - The location of the activity on the site; and Whether the site includes significant natural area on applying the WCRPS Appendix 1 criteria and effects on the values in that area(s). I do not support this submission point. I consider that these matters are sufficiently addressed within the existing matters of discretion (location is covered in matter g and ecological effects are covered in matters d and e in a way that is consistent with the language of the NZCPS and WCRPS).

Rule CE – R21 Buildings, Structures and Earthworks in the High Natural Character Overlay or the Outstanding Coastal Environment not meeting Restricted Discretionary Rules

- 455. As a consequence of my recommendations in relation to Rule CE – R16 (Additions to Existing Buildings and New Buildings and Structures and associated Earthworks within the Outstanding Coastal Environment Area not meeting Permitted Activity Standards) to make that rule a Discretionary Activity, there are consequential changes needed to this rule so it does not duplicate CE – R16. Rule CE – R16 addresses buildings and structures, so the Rule CE – R21 should become an earthworks rule only – as the escalation rule for CE – R18. The rule should also not apply to the High Natural Character Overlay, where the rule cascade ends at Restricted Discretionary with Rule CE – R15 for buildings, structures and earthworks. Within that context I consider the specific submissions on the rule below.
- 456. Two submitters support this rule. This support is noted.
- 457. Sixteen submitters seek that this rule is amended to be more enabling of development. These submitters consider that this rule is too restrictive.
- 458. I do not support these submissions. As I have outlined previously, the Outstanding Coastal Environment Area represents the most significant coastal natural landscapes and areas of coastal natural character on the West Coast. As such they have the highest level of protection associated with them. There is very little development within these areas, and I consider that the direction in Section 6 of the RMA, Policies 13 and 15 of the NZCPS and Policy 1(b) of the Coastal Environment Chapter of the WCRPS sets a clear expectation that the Permitted Activities in these areas will be limited to those that are not likely to lead to adverse effects – not just significant adverse effects. For this reason this rule is very careful to ensure any activities provided for within this rule do not result in the degradation of these outstanding landscape, biodiversity or natural character values.
- 459. Westpower Limited (S547.453) seek that the standard 1 is amended to refer to the values “together” making the site outstanding. I do not support this submission. I appreciate this phrase is used in the policy context, but I consider that for the purposes of a rule it reduces clarity and therefore is not appropriate for a performance standard.
- 460. Forest and Bird (S560.310) seek that the rule is amended to a non-complying rule. I do not support this submission which would have the effect of making most earthworks within the Outstanding Coastal Environment Area a non-complying activity. I consider that there could be earthworks which are consistent with the objectives and policies of the plan outside of what are provided for within CE – R15 and that a non-complying activity for these earthworks is inappropriate.

Recommendations

- 461. That the following amendments are made to the Coastal Environment Rules:

**CE - R15 Buildings, Structures and Earthworks within the High Coastal Natural Character Overlay not meeting Permitted Activity Standards
Activity Status Restricted Discretionary**

Discretion is restricted to:

- a. Any requirements for landscape evaluation;
- b. The extent to which the site is visible from a road or public place;
- c. The effects on the natural character of the coast;
- d. The effects on landscape and natural features of the coast;
- e. The effects on potential or existing public access to the coast;
- f. Design and location of any buildings, structure or earthworks;
- g. Volume and area of earthworks;
- h. Effects on ~~habitats of any threatened or protected flora or fauna species~~ indigenous vegetation and habitats of indigenous fauna;
- i. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;
- j. Effects on recreational values of public land;
- k. Effects on Poutini Ngāi Tahu values, any archaeological sites, historic heritage and any Sites and Areas of Significance to Māori identified in Schedule Three;
- l. Landscape and visual effects; ~~and~~
- m. Location, dimensions and appearance of any structure; ~~and~~
- n. The functional needs or operational needs of the activity.

Advice Note:

1. This rule also applies to ~~plantation~~ commercial forestry activities where this provision is more stringent than the NES –PCF

Activity status where compliance not achieved: N/A

CE - R16 Additions to ~~Existing~~ Lawfully Established Buildings and New Buildings and Structures and associated Earthworks within the Outstanding Coastal Environment Area not meeting Permitted Activity Standards

Activity Status ~~Restricted~~ Discretionary

Where:

1. This is an addition to an lawfully established existing building or a building accessory to an lawfully established existing building; or
2. The building or structure is identified on an approved subdivision plan for the site or where there is no existing residential building on the site; or
3. The building or structure is required for:
 - i. A network utility or renewable electricity generation activity;
 - ii. An agricultural pastoral or horticultural activity in a RURZ - Rural Zone;
 - iii. A conservation activity; or
 - iv. A recreational activity in any OSZ - Open Space Zone.

~~Discretion is restricted to:~~

- ~~a. Any requirements for landscape evaluation;~~
- ~~b. Effects on habitats of any threatened or protected species;~~
- ~~c. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;~~
- ~~d. The extent to which the site is visible from a road or public place;~~
- ~~e. Any effects on the values that make the site Outstanding;~~
- ~~f. The effects on potential or current public access to the coast;~~
- ~~g. The effects on Poutini Ngāi Tahu values and Sites and Areas of Significance to Māori identified in Schedule Three;~~
- ~~h. Design and location of any buildings, structures or earthworks;~~
- ~~i. Volume and area of earthworks;~~

- j. ~~Area and location of indigenous vegetation clearance and its effects on biodiversity values;~~
- k. ~~Landscape measures; and~~
- l. ~~Where relevant, matters included within Policy NFL - P6;~~

Activity status where compliance not achieved: Discretionary-Non-complying

CE - R18 Earthworks within the Outstanding Coastal Environment Area
~~not provided for as a Permitted Activity~~ **meeting Permitted Activity Standards**

Activity Status Restricted Discretionary

Where:

1. These are for:
 - i. Walking/cycling tracks;
 - ii. Roads, farm tracks or fences;
 - iii. Installation of network utility infrastructure or renewable electricity generation activities; or
 - iv. For establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site; and
2. ~~Earthworks are the minimum required to undertake the activity.~~

Discretion is restricted to:

- a. Any requirements for landscape evaluation;
- b. The extent to which the site is visible from a road or public place;
- c. Any effects on the values that make the site Outstanding;
- d. Effects on ~~habitats of any threatened or protected species~~ indigenous vegetation and habitats of indigenous fauna;
- e. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;
- f. The effects on Poutini Ngāi Tahu values, any archaeological sites, historic heritage and any Sites and Areas of Significance to Māori identified in Schedule Three;
- g. Design and location of any earthworks;
- h. Volume and area of earthworks;
- i. Area and location of vegetation clearance;
- j. Landscape measures to reduce the visual effects on the values of the Outstanding Natural Landscape or Feature; ~~and~~
- k. Where relevant, matters included within Policy NFL - P6;
- l. The effects on the natural character of the coastal environment; and
- m. The effects on natural features and natural landscapes.

Advice Note:

1. This rule also applies to ~~plantation~~ commercial forestry activities where this provision is more stringent than the NES - PCE.

Activity status where compliance not achieved: Discretionary

CE - R21 Buildings, Structures and Earthworks in the High Natural Character
~~Overlay or the Outstanding Coastal Environment not meeting Restricted~~
Discretionary Rules

Activity Status Discretionary

Where:

1. These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding.

Advice Note:

1. When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes policies will be required.
2. This rule also applies to ~~plantation~~ commercial forestry activities where this provision is more stringent than the NES - PCE.

Activity status where compliance not achieved: Non-complying

CE – R22A

Buildings and Structures in the Outstanding Coastal Environment not meeting Permitted or Discretionary Activity Rules

Activity Status Non - complying

462. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

13.3 Submissions on Rule CE – R20 Afforestation with Plantation Forestry in the Outstanding Coastal Environment Area or any Significant Natural Area identified in Schedule Four in the Coastal Environment

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.498	Support	Retain rule.
Buller District Council (S538)	S538.307	Support	Retain as notified.
Frida Inta (S553)	S553.135	Oppose	Delete
Buller Conservation Group (S552)	S552.135	Oppose	delete
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.037	Amend	Amend Rule CE-R20 to include areas of High natural coastal character and the rule activity status to non-complying.

Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0574	Amend	Amend: Afforestation with Plantation Forestry in the Outstanding Coastal Environment Area, <u>High Coastal Natural Character overlay</u> , or any Significant Natural Area identified in Schedule Four in the Coastal Environment, <u>not meeting CE - R20A Activity Status Non-Complying Discretionary</u> Where: 1. These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding. Advice Note: When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes policies will be required. This rule also applies to Plantation forestry activities where this provision is more stringent than the NES - PF. Activity status where compliance not achieved: <u>N/A Non-complying</u>
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Analysis

463. This rule applies to Plantation Forestry. At the time of drafting, the NES – PF (now NES – CF) only allowed district plan rules to be more stringent in a small number of circumstances. With the updating of the NES – PF to the NES – CF and changes to the definitions of commercial forestry, the context for this rule has now changed.
464. Firstly Councils now have full discretion under the amended Regulation 6 of the NES – CF 2023 to be more stringent in relation to afforestation.
465. Secondly Commercial Forestry is now regulated by this instrument, with the following definition “means exotic continuous cover forestry or plantation forestry”. However the definition of plantation forestry does not specify that the forestry must be exotic. This means that it captures indigenous forestry undertaken under the Forests Act, or any future potential plantations of indigenous forests.
466. While it has not been specifically sought by any submitter I do recommend that all references to Plantation Forestry in this Plan are amended to refer to Commercial Forestry with the NES – CF definition. I am not sure however whether there is a scope issue here, or whether this can be done as a Clause 16 amendment.
467. My comments on these submissions are therefore within the context of the updated NES – CF regulations.
468. Two submitters support this rule. This support is noted.
469. Forest and Bird (S560.037, S560.0574) seek that the rule be amended to include areas of High Coastal Natural Character and the rule activity status is amended to non-complying.
470. I support this submission in part. When the plan was drafted this rule was unable to apply to High Coastal Natural Character overlay areas, but that impediment has now been removed with the NES – CF.
471. I do not however consider that making all afforestation with plantation forestry (or commercial forestry) a non-complying activity is appropriate. I am particularly mindful that there are existing indigenous forestry activities being undertaken in the Outstanding Coastal Environment Area, including by Ngāi Tahu. There may be parts of the Outstanding Coastal Environment Area where afforestation with indigenous

plantation forestry could be appropriate – and where this could enhance biodiversity, landscape or natural character values. If areas of HCNC are included within this rule, then indigenous forestry afforestation could be a more likely and appropriate activity, as the HCNC includes some areas of pastoral farmland and lifestyle activities. There may also be some types of exotic forestry – though probably at a small scale, that could be appropriate in the HCNC areas. Some exotic species in particular can be important habitats for indigenous species, and with the risk of mānuka/kānuka forests being affected by the pest myrtle rust, there is the possibility some of these areas could be naturally deforested in the future. I therefore consider that providing for commercial forestry as a Discretionary Activity is appropriate.

472. Buller Conservation Group (S552.135) and Frida Inta (S553.135) seek that this rule is deleted. They consider that there should be no Plantation Forestry within the Outstanding Environmental Area. I do not support these submissions. Without the rule, the NES – CF prevails and afforestation would be a restricted discretionary activity in the outstanding areas and a permitted activity under those regulations. I do not consider that is appropriate as these resource consents would be processed without reference to the objectives and policies of the TTPP.

Recommendations

473. That the following amendments are made to the Coastal Environment Rules:

CE - R20 Afforestation with ~~Plantation~~ Commercial Forestry in the High Coastal Natural Character Overlay, the Outstanding Coastal Environment Area or any Significant Natural Area identified in Schedule Four in the Coastal Environment
Activity Status Discretionary

Advice Note:

1. When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes policies will be required.
2. This rule applies to commercial forestry activities where this provision is more stringent than the NES - CF

Activity status where compliance not achieved: N/A

474. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

13.4 Submissions on Rule CE – R22 Activities in the Coastal Environment that would destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.500	Support	Retain rule.
Buller District Council (S538)	S538.309	Support	Retain as notified.
Buller Conservation Group (S552)	S552.136	Oppose	delete
Frida Inta (S553)	S553.136	Oppose	Delete

Transpower New Zealand Limited (S299)	S299.071	Amend	Amend Rule CE-R22 to clarify/amend the term 'destroy' and the application of the rule.
<i>Royal Forest & Bird Protection Society of NZ Inc. (Forest & Bird) (FS34)</i>	<i>FS34.037</i>	<i>Oppose</i>	<i>Disallow</i>
Westpower Limited (S547)	S547.454	Amend	Amend heading: Activities in the Coastal Environment that would ... or the values which <u>together</u> make it Outstanding
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.311	Oppose	Amend CE- E22: "Activities in the Coastal Environment that would destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding or activities not meeting CE - R19 in the Outstanding Coastal Environment Area" Amend to a prohibited activity status
<i>Westpower Limited (FS222)</i>	<i>FS222.0310</i>	<i>Oppose</i>	<i>Disallow</i>
Grey District Council (S608)	S608.082	Amend	Change " Limited-Notified " to " <u>will require the written approval of the Geosciences Society of New Zealand</u> ". Rule to read: "Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding <u>will require the written approval of the Geosciences Society of New Zealand.</u> "
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.0573	Amend	Amend CE - R22 to Prohibited activity status and to capture non-compliance with CE - R19
<i>Westpower Limited (FS222)</i>	<i>FS222.0311</i>	<i>Oppose</i>	<i>Disallow</i>

Analysis

475. Two submitters support this rule. This support is noted.
476. Buller Conservation Group (S552.136) and Frida Inta (S553.136) oppose this rule and seek its deletion. These submitters consider that destroying such features will destroy important values. I do not support these submissions. From my understanding of the submissions, I consider that these submitters are actually seeking that the rule be more stringent (e.g. a Prohibited Activity) as deleting the rule would weaken rather than increase the protections for these areas.
477. Transpower (S299.071) seek that the rule is amended/clarified in relation to the term "destroy" and application of the rule. I do not support this submission. I consider that "destroy" is clear in terms of the normal meaning of the word. The submitter is seeking detail in terms of the scale, nature or degree of destruction. I consider this will vary on a case by case basis. There are currently only ONFs that fall into the coastal environment - Punakaiki Pancake Rocks and Gillespies Beach

- huttonite. Both of these areas are located within National Parks. I do not consider that further definition of "destroy" is necessary for implementation of this rule.
478. Westpower Limited (S547.454) seek that the rule be amended to refer to the values which "together" make it outstanding. I do not support this submission point for the reasons I have outlined in relation to similar points.
479. Forest and Bird (S560.311, S560.073) seek that this rule be a Prohibited Activity. I do not support this submission. While I think an application for such an activity is exceedingly unlikely, I could imagine a circumstance (e.g. as a result of a major earthquake or other natural disaster) where an application could be made to destroy some aspect of the values of a site that has been adversely affected by the natural disaster. In particular I could envisage a circumstance where a retrospective consent was required for emergency works undertaken as a result of a natural disaster.
480. Grey District Council (S608.082) seek that the limited notification clause be amended to a written approval clause. I support this submission as limited notification clauses are no longer provided for under the RMA.

Recommendations

481. That the following amendments are made to Rule CE – R22:

CE - R22

Activities in the Coastal Environment that would destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding
Activity Status Non-complying

Notification:

Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding will ~~always be Limited Notified to~~ require the written approval of the Geosciences Society of New Zealand and may be publicly notified.

Advice Note:

1. When assessing resource consents for activities under this rule, assessment against both the Coastal Environment, and Natural Features and Landscapes policies will be required.
2. This rule also applies to ~~plantation~~ commercial forestry activities where this provision is more stringent than the NES - PCF.

482. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

14.0 Submissions on Subdivision Rules SUB – R16, SUB – R17 and SUB – R24

Submissions

Submitter Name / ID	Submission Point	Position	Decision Requested
SUB – R16 Subdivision of Land within the Coastal Environment subject to the Outstanding Natural Landscape, Outstanding Natural Feature or High Coastal Natural Character Overlay			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.431	Support	Retain rule.
Buller District Council (S538)	S538.269	Support	Retain as notified.

Lara Kelly (S421)	S421.010	Amend	Amend to be less restrictive and have no escalation to non-complying.
John Brazil (S360)	S360.020	Oppose in part	Amend "Non-complying" to "N/A" under "Activity status where compliance not achieved".
Leonie Avery (S507)	S507.054	Oppose in part	Delete point 1. Activity status where there is noncompliance should be deleted as there should be no escalation to Non-Complying status.
Jared Avery (S508)	S508.054	Oppose in part	Delete point 1. Activity status where there is noncompliance should be deleted as there should be no escalation to Non-Complying status.
Kyle Avery (S509)	S509.054	Oppose in part	Delete point 1. Activity status where there is noncompliance should be deleted as there should be no escalation to Non-Complying status.
Avery Bros (S510)	S510.054	Oppose in part	Delete point 1. Activity status where there is noncompliance should be deleted as there should be no escalation to Non-Complying status.
Bradshaw Farms (S511)	S511.054	Oppose in part	Delete point 1. Activity status where there is noncompliance should be deleted as there should be no escalation to Non-Complying status.
Paul Avery (S512)	S512.054	Oppose in part	Delete point 1. Activity status where there is noncompliance should be deleted as there should be no escalation to Non-Complying status.
Brett Avery (S513)	S513.054	Oppose in part	Delete point 1. Activity status where there is noncompliance should be deleted as there should be no escalation to Non-Complying status.
Steve Croasdale (S516)	S516.057	Amend	Amend "Non-complying" to "N/A" under "Activity status where compliance not achieved".
Neil Mouat (S535)	S535.027	Oppose in part	Delete point 1. Activity status where there is non-compliance should be deleted as there should be no escalation to Non-Complying status.
Chris & Jan Coll (S558)	S558.243	Amend	Delete point 1.
Chris & Jan Coll (S558)	S558.244	Amend	Activity status where there is non-compliance should be deleted as there should be no escalation to Non-Complying status
Chris J Coll Surveying Limited (S566)	S566.243	Amend	Delete point 1.
Chris J Coll Surveying Limited (S566)	S566.244	Amend	Activity status where there is non-compliance should be deleted as there should be no escalation to Non-Complying status
William McLaughlin (S567)	S567.311	Amend	Delete point 1.
William McLaughlin (S567)	S567.312	Amend	Activity status where there is non-compliance should be deleted as

			there should be no escalation to Non-Complying status
Avery Brothers (S609)	S609.047	Amend	Delete point 1.
SUB – R17 Subdivision of Land within the Coastal Environment to create allotments where there is a Historic Heritage site or area identified in Schedule One or a Site and Areas of Significance to Māori identified in Schedule Three			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.432	Support	Retain rule
Leonie Avery (S507)	S507.055	Support	Retain as notified.
Jared Avery (S508)	S508.055	Support	Retain as notified.
Kyle Avery (S509)	S509.055	Support	Retain as notified.
Avery Bros (S510)	S510.055	Support	Retain as notified.
Bradshaw Farms (S511)	S511.055	Support	Retain as notified.
Paul Avery (S512)	S512.055	Support	Retain as notified.
Brett Avery (S513)	S513.055	Support	Retain as notified.
Steve Croasdale (S516)	S516.058	Support	Retain
Chris & Jan Coll (S558)	S558.245	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.245	Support	Retain
William McLaughlin (S567)	S567.313	Support	Retain
Avery Brothers (S609)	S609.048	Support	Retain
Margaret Montgomery (S446)	S446.058	Oppose in part	Amend so that notification is not required if iwi are engaged.
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (FS41)</i>	<i>FS41.181</i>	<i>Support in part</i>	<i>Allow</i>
Te Tai o Poutini Plan Committee (S171)	S171.018	Amend	Amend Rule SUB - R17 to make it clear that within the Sites and Areas of Significance to Māori identified in SUB R5 subdivision is a Controlled Activity, and rule SUB - R17 does not apply.
<i>Davis Ogilvie & Partners Ltd (FS154)</i>	<i>FS154.031</i>	<i>Support</i>	<i>Allow</i>
SUB- R24 Subdivision within the Outstanding Coastal Natural Character Overlay			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.439	Support	Retain rule.
Margaret Montgomery (S446)	S446.063	Not Stated	Review in light of Permitted Baseline.
Lara Kelly (S421)	S421.012	Amend	Amend the rule so is a Discretionary Activity.

Lara Kelly (S421)	S421.016	Amend	Amend to discretionary (instead of Non-complying)
Steve Croasdale (S516)	S516.060	Oppose	Delete
Neil Mouat (S535)	S535.030	Oppose	Delete
Chris & Jan Coll (S558)	S558.255	Oppose	Delete
Chris J Coll Surveying Limited (S566)	S566.255	Oppose	Delete
William McLaughlin (S567)	S567.322	Oppose	Delete

Analysis

SUB – R16 Subdivision of Land within the Coastal Environment subject to the Outstanding Natural Landscape, Outstanding Natural Feature or High Coastal Natural Character Overlay

483. Two submitters support this rule. This support is noted.
484. Fourteen submitters seek that standard 1 be deleted and that this rule not escalate to non-complying. Standard 1 requires that the subdivision be outside areas of Outstanding Coastal Natural Character. The submitters give as their reasons that the escalation to non-complying is inappropriate. When I consider the suite of provisions – and the direction at a national (NZCPS) and regional (WCRPS) scale I do not support these submissions. When subdivision occurs, it creates the near – inevitable likelihood that a dwelling will be built on a site, and that over time other development will occur. Some adverse effects will inevitably arise. By severely restricting subdivision in the most significant areas of outstanding coastal natural character this development cycle is avoided, giving effect to the NZCPS and WCRPS direction.

SUB – R17 Subdivision of Land within the Coastal Environment to create allotments where there is a Historic Heritage site or area identified in Schedule One or a Site and Areas of Significance to Māori identified in Schedule Three

485. Thirteen submitters support this rule. This support is noted.
486. Margaret Montgomery (S446.058) seeks that the notification clause is amended so that notification is not required if iwi are engaged. I support this submission in part. I note the limited notification clauses (to both iwi and Heritage New Zealand) are ultra vires. Therefore I recommend they are amended to require written approval rather than limited notification.
487. I do acknowledge however that there may not be scope to amend the notification clause for Heritage New Zealand.
488. Te Tai o Poutini Plan Committee (S171.018) seek that SUB – R17 be amended to make it clear that within those Sites and Areas of Significance to Māori identified in SUB – R5 that subdivision is a Controlled Activity and rule SUB – R17 does not apply. I support this submission which seeks to remove unintentional ambiguity from the Plan.

SUB- R24 Subdivision within the Outstanding Coastal Natural Character Overlay

489. One submitter supports this rule. This support is noted.
490. Margaret Montgomery (S446.063) seeks that this rule is reviewed in light of the Permitted Baseline. This submitter is concerned that you can build within these areas but cannot subdivide. I do not support this submission. The building rules in the Outstanding Coastal Natural Character Overlay, as part of the Outstanding Coastal Environment Area are exceedingly restrictive and there are no Permitted Activities for new buildings. Therefore the Permitted Baseline does not apply.
491. Seven submitters seek that the rule is deleted and this activity be a Discretionary Activity. I do not support these submissions. When subdivision occurs, it creates the

near – inevitable likelihood that a dwelling will be built on a site, and that over time other development will occur. Some adverse effects will inevitably arise. By severely restricting subdivision in the most significant areas of outstanding coastal natural character this development cycle is avoided, giving effect to the NZCPS and WCRPS direction.

Recommendations

492. That the following amendments are made to Rule SUB – R17:

SUB – R17 Subdivision of Land within the Coastal Environment to create allotments where there is a Historic Heritage site or area identified in Schedule One or a Site and Areas of Significance to Māori identified in Schedule Three not provided for in Rule SUB – R5
Activity Status Discretionary

Notification:

1. Applications to subdivide a lot with a Site or Area of Significance to Māori ~~will always be limited notified to the~~ require written approval of relevant Rūnanga and ~~may be publicly notified.~~
2. Applications to subdivide a lot with a historical heritage feature ~~will always be limited notified to~~ require written approval of Heritage New Zealand Pouhere Taonga and ~~may be publicly notified.~~

Activity status where compliance not achieved: N/A

493. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

15.0 Submissions on the Planning Maps and Schedules

15.1 Submissions on Natural Character Overlays

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Submissions on the High Natural Character Overlay – Planning Maps			
Grey District Council (S608)	S608.417	Support	Retain as notified
Karamea Lime Company (S614)	S614.230	Support	Retain as notified
Peter Langford (S615)	S615.230	Support	Retain as notified
Steve Croasdale (S516)	S516.158	Support	Retain
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.404	Support	Retain
Geoff Volckman (S563)	S563.164	Support	Lot 1 DP 483059, Section 1 SO 15488 and Section 50 Blk IX Oparara SD Listed parcels to remain excluded.
Catherine Smart-Simpson (S564)	S564.173	Support	Listed parcels to remain excluded.
John Brazil (S360)	S360.096	Support in part	Lot 1 DP 336364 (i.e. 261 Utopia Road Westport) to remain excluded.

Grey District Council (S608)	S608.843	Oppose	Remove the Overlays, review/reassess, check for accuracy and apply to the properties that they relate to only.
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (FS41)</i>	<i>FS41.736</i>	<i>Oppose</i>	<i>Disallow</i>
Buller District Council (S538)	S538.311	Support in part	Council requests that careful consideration is given to any individual submissions regarding the land use implications of any Coastal overlay and the accuracy of the High and Outstanding Coastal Natural Character overlay boundaries. Council seeks that the High and Outstanding Natural Coastal Character overlays show the identifier number of the scheduled site that they relate to.
<i>Robin Alistair Nicholl (FS50)</i>	<i>FS50.003</i>	<i>Support in part</i>	<i>Allow in part</i>
<i>Ruth Henschel (FS119)</i>	<i>FS119.1</i>	<i>Support</i>	<i>Allow</i>
Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663)	S663.057	Oppose in part	Amend the planning maps as necessary such that identified areas of High Natural Character do not cover existing urban development
David Moore (S65)	S65.043	Support	Modify map and extend NCA 041
Katherine Crick (S101)	S101.006	Amend	*The High Natural character overlay should be extended to include NCA-041 (Pakiroa Beach).
Trevor Hayes (S377)	S377.011	Support in part	Amend the mapping of HNC 41 to include Pakiroa Beach and the area described in the Schedule.
Karen Vincent (S393)	S393.003	Amend	I would like to see the HNC overlay on the map extended to include Barrytown beach.
Katherine Crick (S101)	S101.015	Support in part	Support the designation of Pakiroa/Barrytown Beach as an area of High Coastal Natural Character (NCA41). Reflect the value of this area by extending the overlay of high natural character on the map to include NCA41; in keeping with all the neighbouring surrounds on the map as either designated as high or outstanding natural character areas.
Riarnne Klempel (S296)	S296.007	Support	Retain NCA41 Pakiroa Beach
Ruth Henschel (S150)	S150.004	Oppose	Remove the 'High Coastal Natural Character overlay from 4456B Karamea Highway.
Richard Henschel (S285)	S285.003	Oppose in part	Remove the High Coastal Natural Character' overlay from 4456B Karamea Highway.

Emilie Schmitthausler (S57)	S57.001	Oppose	We want to have a revaluation regarding the Natural significance (High Coastal Natural Character) of our land - 4456A Karamea Highway, Karamea. We want to have the area that contains Eucalyptus trees removed from the High Natural Character Overlay.
Sander De Vries (S58)	S58.001	Oppose	We want to have a revaluation regarding the Natural significance (High Natural Character) of our land - 4456A Karamea Highway, Karamea. We want to have the area that contains Eucalyptus trees removed from the High Natural Character Overlay.
John Helen & Brett Hadland (S318)	S318.001	Oppose	Remove the High Natural Character Overlay at Chesterfield Terrace
Delwyn Broadbent (S319)	S319.001	Oppose	Remove high natural character overlay from Chesterfield Terraces
Lynne Lever & Greg Tinney (S320)	S320.007	Oppose	Remove the high natural character overlay from the terrace area south of Chesterfield Road to north of Waimea Creek.
Tony Schroder (S343)	S343.002	Oppose	Remove the area South of Chesterfield and the Road North of the Waimea Creek from being mapped within the High Natural Character overlay.
Emi Schroder (S369)	S369.005	Oppose	Remove the HCNC overlay from the terrace area South of Chesterfield Road to North of the Waimea Creek.
Vance & Carol Boyd (S447)	S447.007	Amend	Do not include the following properties at Hannah's Clearing within the High Natural Character Overlay: · Lots 1,2 and 3 DP7973 · Rapid 1976B
Glenn Robinson (S216)	S216.001	Oppose	High natural character values should not be applied to land. Area at 6A Stafford Loop Road should be reassessed.
Russell and Joanne Smith (S477)	S477.002	Oppose	Align the HCNC boundary with existing property lines
Tim Macfarlane (S482)	S482.002	Oppose	Align the HCNC boundary with existing property lines
Claire & John West (S506)	S506.002	Oppose	Align the HCNC boundary with existing property lines
Lauren Nyhan Anthony Phillips (S533)	S533.002	Oppose	Align the HCNC boundary with existing property lines
Stewart & Catherine Nimmo (S559)	S559.002	Oppose	Align the HCNC boundary with existing property lines

West Coast Regional Council (S488)	S488.010	Amend	Remove the High Natural Character Overlay from Karamea River (west end of Karamea Domain stopbank), Kongahu (Granite Creek) and Mokihinui (adjoining the downstream end of the bay) all have a small area within the High Coastal Natural Character Overlay.
Michael Snowden (S492)	S492.002	Oppose	Remove the HNC from the privately owned farmland southwest of Okuru-Turnbull
Straterra (S536)	S536.035	Amend	Review boundary of overlay to exclude Rapahoe Coal Yard
Fiona McDonald (S561)	S561.002	Amend	Review the High Natural Character boundary on the property at 5186 State Highway, Punakaiki
Jon Barltrop (S572)	S572.002	Amend	Amend High Natural Character area with a view to the boundaries being shifted to South of the stand of Pine trees, to allow us to use our usable portion of our land.
G.E. and C.J. Coates on behalf of Nikau Deer Farm Limited (S415)	S415.014	Oppose	Remove the overlay from our land.
<i>Robin Alistair Nicholl (FS50)</i>	<i>FS50.002</i>	<i>Support</i>	<i>Allow</i>
Jane Whyte & Jeff Page (S467)	S467.035	Support in part	Do not schedule land within Punakaiki Village
Michael Hill (S70)	S70.008	Amend	Modify TTPP HNC overlay on the map to include NCA 041
Craig Schwitzer (S96)	S96.012	Support	Support the identification of NCA 41 the area as of High Natural Character. Seek greater monitoring of agricultural runoff and waste at southern end of Pakiroa Beach. No stock to be moved and no vehicles on the beach within the Marine reserve.
Joel and Jennifer Watkins (S565)	S565.004 S565.003	Amend	Amend to align the OCNC boundary with existing property lines. NCA 37
Delwyn Broadbent (S319)	S319.002	Oppose	Remove the High Natural Character Overlay NCA 33 at Chesterfield Terraces
Lynne Lever & Greg Tinney (S320)	S320.001	Oppose	Remove the schedule 7 High Natural Character overlay identification for the terrace area south of Chesterfield road to north of Waimea creek
<i>Gordon D Ferguson (FS47)</i>	<i>FS47.001</i>	<i>Support</i>	<i>Not stated</i>

Tony Schroder (S343)	S343.001	Oppose	Remove the area South of Chesterfield and north of the Waimea Creek from the High Natural Character Schedule.
Emi Schroder (S369)	S369.001	Oppose	Remove the High Natural Character Overlay HNC33 for the terrace area South of Chesterfield Road to North of the Waimea Creek.
Greg Maitland (S571)	S571.008	Oppose	Delete Chesterfield/Waimea Terraces from High Coastal Natural Character
Karen and Dana Vincent (S591)	S591.003	Support	Amend the HNC overlay on the map extended to include Barrytown beach.
Birchfield Coal Mines Ltd (S601)	S601.127	Amend	Amend to remove the Outstanding Coastal Natural Character Overlay from the Birchfield Coal Mines site and Kiwirail designated land at Rapahoe.
<i>MBD Contracting Limited (FS134)</i>	<i>FS134.008</i>	<i>Support</i>	<i>Allow</i>
<i>Grey District Council (FS1)</i>	<i>FS1.236</i>	<i>Support</i>	<i>Allow</i>
Submissions on the Outstanding Natural Character Overlay – Planning Maps			
Steve Croasdale (S516)	S516.159	Support	Retain
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.405	Support	Retain
Grey District Council (S608)	S608.447	Support	Retain as notified
Karamaea Lime Company (S614)	S614.231	Support	Retain as notified
Peter Langford (S615)	S615.231	Support	Retain as notified
Geoff Volckman (S563)	S563.165	Support	Lot 1 DP 483059, Section 1 SO 15488 and Section 50 Blk IX Oparara SD to remain excluded.
Catherine Smart-Simpson (S564)	S564.174	Support	Listed parcels to remain excluded.
John Brazil (S360)	S360.097	Support in part	Lot 1 DP 336364 (i.e. 261 Utopia Road Westport) to remain excluded,
Te Tumu Paeroa - The office of the Māori Trustee (S440)	S440.054	Support in part	Supports NCA 18 and 21 over 7 properties administered
Te Tumu Paeroa - The office of the Māori Trustee (S440)	S440.055	Support in part	Supports NCA 17, 20, 22 and 25 over properties administered
Brian Anderson (S576)	S576.018	Support	Amend Outstanding Coast Natural Character boundaries based on

			landscape values, not the underlying land tenure.
Grey District Council (S608)	S608.844	Oppose	Remove the Overlays, review/reassess, check for accuracy and apply to the properties that they relate to only.
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (FS41)</i>	<i>FS41.739</i>	<i>Oppose</i>	<i>Disallow</i>
Raylene Black (S305)	S305.001	Oppose	Remove outstanding coastal natural character areas over the property at the southern end of Hannah's Clearing settlement.
<i>Vance & Carol Boyd (FS117)</i>	<i>FS117.12</i>	<i>Support</i>	<i>Allow</i>
Gerard Nolan (S261)	S261.003	Oppose	Remove Coastal Natural Character Overlay from Okuru
<i>Hapuka Landing Limited (FS233)</i>	<i>FS233.003</i>	<i>Support</i>	<i>Allow</i>
Fernando Tarango (S342)	S342.003	Amend	Include "The Pyramid" feature at Karamea as an Outstanding Natural Character Area
<i>Karamea Community Incorporated (FS125)</i>	<i>FS125.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>William McLaughlin (FS148)</i>	<i>FS148.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Catherine Jane Smart-Simpson (FS155)</i>	<i>FS155.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Catherine Jane Smart-Simpson (FS155)</i>	<i>FS155.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Nathan Simpson (FS156)</i>	<i>FS156.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Geoff Volckman (FS157)</i>	<i>FS157.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Kathleen Beveridge (FS158)</i>	<i>FS158.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Maurice Beveridge (FS159)</i>	<i>FS159.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Frans Volckman (FS160)</i>	<i>FS160.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Tom Murton (FS161)</i>	<i>FS161.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Maryann Volckman (FS162)</i>	<i>FS162.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Kylie Volckman (FS163)</i>	<i>FS163.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Barbara Bjerring (FS164)</i>	<i>FS164.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Brian Patrick Jones (FS165)</i>	<i>FS165.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Bryan Rhodes (FS166)</i>	<i>FS166.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Frank Bjerring (FS167)</i>	<i>FS167.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Jane Garrett (FS168)</i>	<i>FS168.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Allwyn Gourley (FS169)</i>	<i>FS169.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Bevan Langford (FS170)</i>	<i>FS170.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Shaun Rhodes (FS171)</i>	<i>FS171.005</i>	<i>Oppose</i>	<i>Disallow</i>

<i>Jack Simpson (FS172)</i>	<i>FS172.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Roger Gibson (FS173)</i>	<i>FS173.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Rachel Shearer (FS174)</i>	<i>FS174.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Gareth Gulebreten (FS175)</i>	<i>FS175.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Charlotte Aitken (FS176)</i>	<i>FS176.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Glen Kingan (FS177)</i>	<i>FS177.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Hayden Crossman (FS178)</i>	<i>FS178.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Susan Waide (FS179)</i>	<i>FS179.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Desirae Bradshaw (FS180)</i>	<i>FS180.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Andrew Bruning (FS181)</i>	<i>FS181.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Marty Syron (FS182)</i>	<i>FS182.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Kelvin Jeff Neighbours (FS183)</i>	<i>FS183.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>J & M Syron Farms (FS184)</i>	<i>FS184.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Michelle Joy Stevenson (FS185)</i>	<i>FS185.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Marnie Stevenson (FS186)</i>	<i>FS186.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Sophie Fox (FS187)</i>	<i>FS187.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Ed Tinomana (FS188)</i>	<i>FS188.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Dave Webster (FS189)</i>	<i>FS189.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Aidan Corkill (FS190)</i>	<i>FS190.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Shanae Douglas (FS191)</i>	<i>FS191.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Danielle O'Toole (FS192)</i>	<i>FS192.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Aimee Milne (FS193)</i>	<i>FS193.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Michael O'Regan (FS194)</i>	<i>FS194.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Neal Gallagher (FS195)</i>	<i>FS195.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Arthur Neighbours (FS196)</i>	<i>FS196.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Mat Knudsen (FS197)</i>	<i>FS197.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Brendon Draper (FS198)</i>	<i>FS198.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Matthew Thomas (FS199)</i>	<i>FS199.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Philip O'Connor (FS200)</i>	<i>FS200.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Tracy Moss (FS201)</i>	<i>FS201.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>James Dunlop Stevenson (FS202)</i>	<i>FS202.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Murray Aitken (FS203)</i>	<i>FS203.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Joel Hands (FS204)</i>	<i>FS204.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Peter Hands (FS205)</i>	<i>FS205.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Patrick John Hands (FS206)</i>	<i>FS206.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Jackie O'Connor (FS207)</i>	<i>FS207.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Maurice Douglas (FS208)</i>	<i>FS208.005</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Gary Donaldson (FS209)</i>	<i>FS209.005</i>	<i>Oppose</i>	<i>Disallow</i>

Joy Donaldson (FS210)	FS210.005	Oppose	Disallow
Selwyn Lowe (FS211)	FS211.005	Oppose	Disallow
Sheryl Marie Rhind (FS212)	FS212.005	Oppose	Disallow
Stewart James Rhind (FS213)	FS213.005	Oppose	Disallow
Oparara Valley Project Trust (FS124)	FS124.004	Support	Disallow
Rosalie Sampson (FS123)	FS123.005	Oppose	Disallow
John Milne (FS225)	FS225.005	Oppose	Disallow
Jo-Anne Milne (FS226)	FS226.005	Oppose	Disallow
Jessie Gallagher (FS227)	FS227.005	Oppose	Disallow
Cheryl Gallagher (FS228)	FS228.005	Oppose	Disallow
Margaret Jane Milne (FS229)	FS229.005	Oppose	Disallow
Chris Lowe (FS238)	FS238.005	Oppose	Disallow
Laurence Rueter (S381)	S381.002	Amend	Include the area known as "The Pyramid" at Karamea in Outstanding Coastal Natural Character.
Karamea Community Incorporated (FS125)	FS125.008	Oppose	Disallow
William McLaughlin (FS148)	FS148.008	Oppose	Disallow
Catherine Jane Smart-Simpson (FS155)	FS155.007	Oppose	Disallow
Catherine Jane Smart-Simpson (FS155)	FS155.007	Oppose	Disallow
Nathan Simpson (FS156)	FS156.007	Oppose	Disallow
Geoff Volckman (FS157)	FS157.007	Oppose	Disallow
Kathleen Beveridge (FS158)	FS158.007	Oppose	Disallow
Maurice Beveridge (FS159)	FS159.007	Oppose	Disallow
Frans Volckman (FS160)	FS160.007	Oppose	Disallow
Tom Murton (FS161)	FS161.007	Oppose	Disallow
Maryann Volckman (FS162)	FS162.007	Oppose	Disallow
Kylie Volckman (FS163)	FS163.007	Oppose	Disallow
Barbara Bjerring (FS164)	FS164.007	Oppose	Disallow
Brian Patrick Jones (FS165)	FS165.007	Oppose	Disallow
Bryan Rhodes (FS166)	FS166.007	Oppose	Disallow
Frank Bjerring (FS167)	FS167.007	Oppose	Disallow
Jane Garrett (FS168)	FS168.007	Oppose	Disallow
Allwyn Gourley (FS169)	FS169.007	Oppose	Disallow
Bevan Langford (FS170)	FS170.007	Oppose	Disallow
Shaun Rhodes (FS171)	FS171.007	Oppose	Disallow
Jack Simpson (FS172)	FS172.007	Oppose	Disallow
Roger Gibson (FS173)	FS173.007	Oppose	Disallow
Rachel Shearer (FS174)	FS174.007	Oppose	Disallow

<i>Gareth Guglebreten (FS175)</i>	<i>FS175.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Charlotte Aitken (FS176)</i>	<i>FS176.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Glen Kingan (FS177)</i>	<i>FS177.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Hayden Crossman (FS178)</i>	<i>FS178.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Susan Waide (FS179)</i>	<i>FS179.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Desirae Bradshaw (FS180)</i>	<i>FS180.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Andrew Bruning (FS181)</i>	<i>FS181.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Marty Syron (FS182)</i>	<i>FS182.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Kelvin Jeff Neighbours (FS183)</i>	<i>FS183.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>J & M Syron Farms (FS184)</i>	<i>FS184.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Michelle Joy Stevenson (FS185)</i>	<i>FS185.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Marnie Stevenson (FS186)</i>	<i>FS186.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Sophie Fox (FS187)</i>	<i>FS187.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Ed Tinomana (FS188)</i>	<i>FS188.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Dave Webster (FS189)</i>	<i>FS189.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Aidan Corkill (FS190)</i>	<i>FS190.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Shanae Douglas (FS191)</i>	<i>FS191.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Danielle O'Toole (FS192)</i>	<i>FS192.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Aimee Milne (FS193)</i>	<i>FS193.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Michael O'Regan (FS194)</i>	<i>FS194.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Neal Gallagher (FS195)</i>	<i>FS195.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Arthur Neighbours (FS196)</i>	<i>FS196.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Mat Knudsen (FS197)</i>	<i>FS197.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Brendon Draper (FS198)</i>	<i>FS198.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Matthew Thomas (FS199)</i>	<i>FS199.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Philip O'Connor (FS200)</i>	<i>FS200.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Tracy Moss (FS201)</i>	<i>FS201.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>James Dunlop Stevenson (FS202)</i>	<i>FS202.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Murray Aitken (FS203)</i>	<i>FS203.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Joel Hands (FS204)</i>	<i>FS204.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Peter Hands (FS205)</i>	<i>FS205.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Patrick John Hands (FS206)</i>	<i>FS206.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Jackie O'Connor (FS207)</i>	<i>FS207.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Maurice Douglas (FS208)</i>	<i>FS208.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Gary Donaldson (FS209)</i>	<i>FS209.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Joy Donaldson (FS210)</i>	<i>FS210.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Selwyn Lowe (FS211)</i>	<i>FS211.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Sheryl Marie Rhind (FS212)</i>	<i>FS212.007</i>	<i>Oppose</i>	<i>Disallow</i>

Stewart James Rhind (FS213)	FS213.007	Oppose	Disallow	
Oparara Valley Project Trust (FS124)	FS124.006	Oppose	Disallow	
Rosalie Sampson (FS123)	FS123.007	Oppose	Disallow	
John Milne (FS225)	FS225.007	Oppose	Disallow	
Jo-Anne Milne (FS226)	FS226.007	Oppose	Disallow	
Jessie Gallagher (FS227)	FS227.007	Oppose	Disallow	
Cheryl Gallagher (FS228)	FS228.007	Oppose	Disallow	
Margaret Jane Milne (FS229)	FS229.007	Oppose	Disallow	
Chris Lowe (FS238)	FS238.007	Oppose	Disallow	
Vance & Carol Boyd (S447)	S447.006	Oppose	Do not include the following properties at Hannah's Clearing within the Outstanding Natural Character:· Lots 1,2 and 3 DP7973 · Rapid 1976B	
Neil Mouat (S535)	S535.082	Oppose in part	Amend overlay extent.	
Straterra (S536)	S536.034	Amend	Review boundary of overlay to exclude Rapahoe Coal Yard	
Joel and Jennifer Watkins (S565)	S565.001	Amend	Amend to align the ONC boundary with existing property lines.	
Dean Van Mierlo (S570)	S570.005	Amend	Amend the maps to remove the "Outstanding Coastal Natural Character" overlay from Lot 43 DP 3558 Blk IX Brighton SD.	
Dean Van Mierlo (S570)	S570.001	Amend	Amend the maps to remove the high natural character in the coastal environment overlay from the mapping of section Lot 2 DP 307444, Blk V Brighton SD.	
Jane Whyte & Jeff Page (S467)	S467.036	Support	Do not schedule land within Punakaiki Village	
Neil Mouat (S535)	S535.079	Oppose in part	Amend overlay extent.	
Submissions on NCA Schedules				
Grey District Council (S608)	S608.448	NCA1	Support	Retain as notified
Grey District Council (S608)	S608.449	NCA2	Support	Retain as notified
Grey District Council (S608)	S608.450	NCA3	Support	Retain as notified
David Moore (S65)	S65.026	NCA4	Support	Retain as notified
Vance & Carol Boyd (S447)	S447.011	NCA4	Amend	Include spatial description of the HNC within the schedule so that it is clear that properties at settlements such as Hannah's Clearing are not included.

Grey District Council (S608)	S608.418	NCA4	Support	Retain as notified
Vance & Carol Boyd (S447)	S447.012	NCA5	Amend	Include spatial description of the ONC within the schedule so that it is clear that properties at settlements such as Hannah's Clearing are not included.
Grey District Council (S608)	S608.451	NCA5	Support	Retain as notified
David Moore (S65)	S65.027	NCA6	Support	Retain as notified
Grey District Council (S608)	S608.419	NCA6	Support	Retain as notified
Grey District Council (S608)	S608.452	NCA7	Support	Retain as notified
Grey District Council (S608)	S608.453	NCA8	Support	Retain as notified
Grey District Council (S608)	S608.454	NCA9	Support	Retain as notified
Grey District Council (S608)	S608.455	NCA10	Support	Retain as notified
David Moore (S65)	S65.028	NCA11	Support	Retain as notified
Grey District Council (S608)	S608.420	NCA11	Support	Retain as notified
Grey District Council (S608)	S608.456	NCA12	Support	Retain as notified
David Moore (S65)	S65.029	NCA13	Support	Retain as notified
Grey District Council (S608)	S608.421	NCA13	Support	Retain as notified
Grey District Council (S608)	S608.457	NCA14	Support	Retain as notified
David Moore (S65)	S65.030	NCA15	Support	Retain as notified
Grey District Council (S608)	S608.422	NCA15	Support	Retain as notified
Grey District Council (S608)	S608.458	NCA16	Support	Retain as notified
Grey District Council (S608)	S608.459	NCA17	Support	Retain as notified
David Moore (S65)	S65.031	NCA18	Support	Retain as notified

Grey District Council (S608)	S608.423	NCA18	Support	Retain as notified
Grey District Council (S608)	S608.460	NCA19	Support	Retain as notified
Grey District Council (S608)	S608.461	NCA20	Support	Retain as notified
David Moore (S65)	S65.032	NCA21	Support	Retain as notified
Grey District Council (S608)	S608.424	NCA21	Support	Retain as notified
Grey District Council (S608)	S608.462	NCA22	Support	Retain as notified
Grey District Council (S608)	S608.463	NCA23	Support	Retain as notified
David Moore (S65)	S65.033	NCA24	Support	Retain as notified
Grey District Council (S608)	S608.425	NCA24	Support	Retain as notified
Grey District Council (S608)	S608.464	NCA25	Support	Retain as notified
Grey District Council (S608)	S608.465	NCA26	Support	Retain as notified
Grey District Council (S608)	S608.466	NCA27	Support	Retain as notified
Grey District Council (S608)	S608.467	NCA28	Support	Retain as notified
David Moore (S65)	S65.034	NCA29	Support	Retain as notified
Grey District Council (S608)	S608.426	NCA29	Support	Retain as notified
David Moore (S65)	S65.035	NCA30	Support	Retain as notified
Grey District Council (S608)	S608.427	NCA30	Support	Retain as notified
David Moore (S65)	S65.036	NCA31	Support	Retain as notified
Grey District Council (S608)	S608.428	NCA31	Support	Retain as notified
David Moore (S65)	S65.037	NCA32	Support	Retain as notified
Grey District Council (S608)	S608.429	NCA32	Support	Retain as notified

David Moore (S65)	S65.038	NCA33	Support	Retain as notified
Grey District Council (S608)	S608.430	NCA33	Support	Retain as notified
David Moore (S65)	S65.039	NCA34	Support	Retain as notified
Grey District Council (S608)	S608.431	NCA34	Support	Retain as notified
David Moore (S65)	S65.040	NCA35	Support	Retain as notified
Grey District Council (S608)	S608.432	NCA35	Support	Retain as notified
David Moore (S65)	S65.041	NCA36	Support	Retain as notified
Grey District Council (S608)	S608.433	NCA36	Support	Retain as notified
Grey District Council (S608)	S608.468	NCA37	Support	Retain as notified
David Moore (S65)	S65.042	NCA38	Support	Retain as notified
Grey District Council (S608)	S608.434	NCA38	Support	Retain as notified
Grey District Council (S608)	S608.469	NCA39	Support	Retain as notified
Grey District Council (S608)	S608.470	NCA40	Support	Retain as notified
Grey District Council (S608)	S608.435	NCA41	Support	Retain as notified
Grey District Council (S608)	S608.471	NCA42	Support	Retain as notified
David Moore (S65)	S65.044	NCA43	Support	Retain as notified
Grey District Council (S608)	S608.436	NCA43	Support	Retain as notified
Grey District Council (S608)	S608.472	NCA44	Support	Retain as notified
Grey District Council (S608)	S608.473	NCA45	Support	Retain as notified
Grey District Council (S608)	S608.474	NCA46	Support	Retain as notified
David Moore (S65)	S65.045	NCA47	Support	Retain as notified

Grey District Council (S608)	S608.437	NCA47	Support	Retain as notified
David Moore (S65)	S65.046	NCA48	Support	Retain as notified
Grey District Council (S608)	S608.438	NCA48	Support	Retain as notified
David Moore (S65)	S65.047	NCA49	Support	Retain as notified
Grey District Council (S608)	S608.439	NCA49	Support	Retain as notified
Grey District Council (S608)	S608.475	NCA50	Support	Retain as notified
Grey District Council (S608)	S608.476	NCA51	Support	Retain as notified
David Moore (S65)	S65.048	NCA52	Support	Retain as notified
Grey District Council (S608)	S608.440	NCA52	Support	Retain as notified
David Moore (S65)	S65.049	NCA53	Support	Retain as notified
Grey District Council (S608)	S608.441	NCA53	Support	Retain as notified
David Moore (S65)	S65.050	NCA54	Support	Retain as notified
Grey District Council (S608)	S608.442	NCA54	Support	Retain as notified
David Moore (S65)	S65.051	NCA55	Support	Retain as notified
Buller Conservation Group (S552)	S552.206	NCA55	Amend	Mokihinui Extensive saltwater lagoon enclosed by a vast exposed beach and dunefield and fed by the <u>Mokihinui Orowaiti</u> River.
Frida Inta (S553)	S553.206	NCA55	Amend	Mokihinui Extensive saltwater lagoon enclosed by a vast exposed beach and dunefield and fed by the <u>Mokihinui Orowaiti</u> River.
Grey District Council (S608)	S608.443	NCA55	Support	Retain as notified
Grey District Council (S608)	S608.477	NCA56	Support	Retain as notified
David Moore (S65)	S65.052	NCA57	Support	Retain as notified
Grey District Council (S608)	S608.444	NCA57	Support	Retain as notified
David Moore (S65)	S65.053	NCA58	Support	Retain as notified

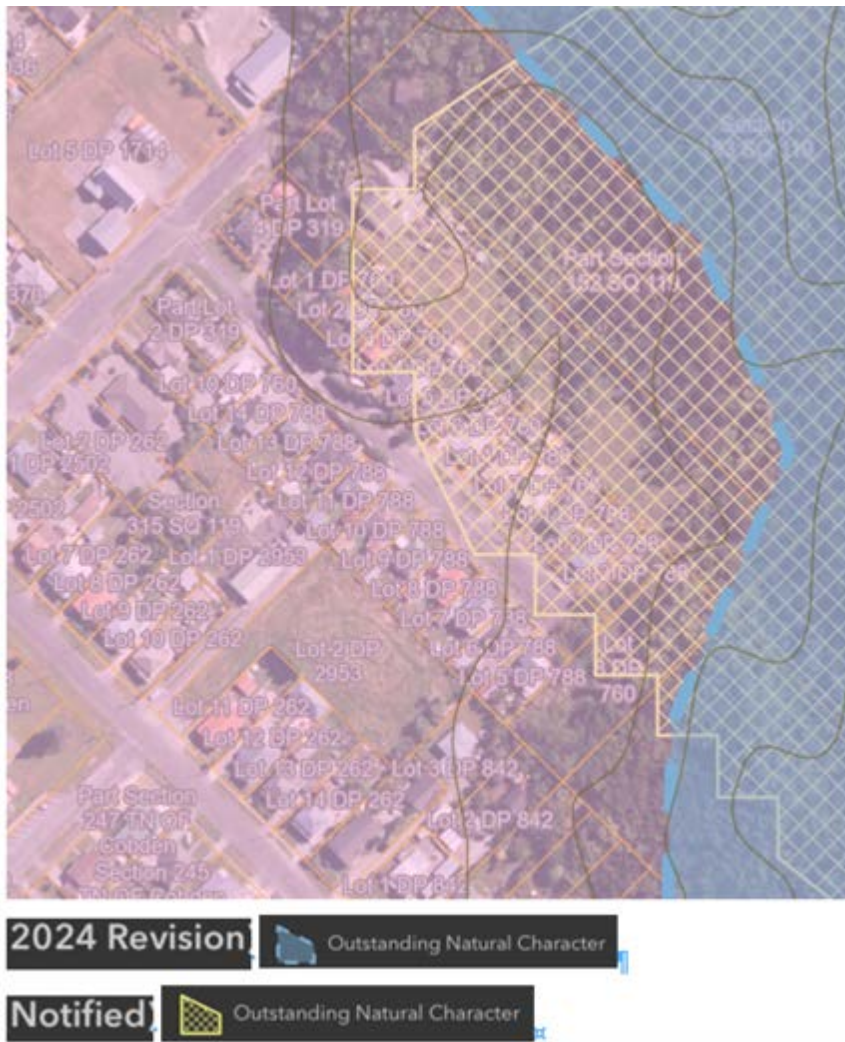
Grey District Council (S608)	S608.445	NCA58	Support	Retain as notified
Grey District Council (S608)	S608.478	NCA59	Support	Retain as notified
David Moore (S65)	S65.054	NCA60	Support	Retain as notified
Grey District Council (S608)	S608.446	NCA60	Support	Retain as notified
Grey District Council (S608)	S608.479	NCA61	Support	Retain as notified

Analysis

Submissions on the High Natural Character Overlay – Planning Maps

494. Five submitters support the overlay as shown on these maps. Three submitters support the exclusion of their properties from the maps. This support is noted.
495. The Grey District Council (S608.843) seeks that the overlay is reviewed/reassessed for accuracy. I support this submission and note that since the notification of the proposed Plan, this exercise has been undertaken by Stephen Brown in September 2022, digitised in 2024 and reviewed by Bridget Gilbert. I refer to Ms Gilbert's evidence which is attached as Appendix Three to this report. It states "in summary it is my opinion that, at a very general level, the methodology underpinning the HNC and ONC mapping in the August 2024 GIS HNC/ONC mapping is credible". However she goes on to state "from a technical perspective, both mapping sets present difficulties in terms of technical accuracy". Ms Gilbert makes a number of recommendations in Appendix C of her evidence where she considers further refinement of the HNC/ONC mapping is required from an expert landscape perspective. I support making the changes recommended in Ms Gilbert's Appendix C as the key relief to this submission point.
496. Buller District Council (S538.311) seeks that careful consideration is given to any individual submissions regarding the land use implications of any Coastal overlay and the accuracy of the High and Outstanding Coastal Natural Character overlay boundaries. Council seeks that the High and Outstanding Natural Coastal Character overlays show the identifier number of the scheduled site that they relate to.
497. I support this submission. As outlined in this report, careful consideration has been given to submissions and there has been a review of the accuracy of the High and Outstanding Coastal Natural Character overlay boundaries. I also support showing the identifier number for each of the components of the overlays.
498. Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.057) seek that identified areas of High Natural Character do not cover existing urban development. I note that the only part of the West Coast that meets the definition of "urban" as used in the NPS Urban Development is Greymouth. The submitter identifies that Ashmore Ave in Cobden is affected by the overlay, although I note that this is Outstanding Coastal Natural Character, not High Coastal Natural Character. I consider that this is a mapping error. I note that in response to this submission Ms Gilbert recommends that the overlay is removed from the area zoned General Residential at Ashmore Ave. This area is shown in the map below – with the recommended updated outstanding natural character pulling back from the urban area.

Ashmore Ave Cobden



499. Other than that, no High Natural Character overlay covers any part of the developed Greymouth urban area – or for that matter Hokitika or Westport. However the overlay does cover some locations around these centres, and parts of smaller settlements. I therefore support this submission in part.



NCA 41 Pakiroa Beach

500. NCA 41 is listed in Schedule 7 as an area of High Natural Character. This is an error in the Plan. The mapped area (from the 2013 mapping assessment) is all below Mean High Water Springs and does not include any area landward of this. The most recent assessments do not identify that the landward area should be included as an area of High Coastal Natural Character. The HCNC in this area has been reviewed by both Stephen Brown in his updated mapping and Bridget Gilbert in her review. Neither identify this area as being appropriate for expansion of the NCA due to the level of built development and farming modification evident
501. David Moore (S65.043), Trevor Hayes (S377.011), Karen Vincent (S393.003) and Katherine Crick (S101.015) seek that NCA41 Pakiroa Beach be extended. Michael Hill (S70.008) seeks that NCA41 is mapped on the Plan as it is not shown in the maps. Grey District Council (S608.435) supports the inclusion of this NCA. Craig Schwitzer (S96.012) supports NCA41 and seeks greater restrictions in relation to use of land in this area.
502. I do not support these submissions.

503. Riarrne Klempel (S296.007) seeks that this NCA be retained. I do not support this submission.
504. I recommend that NCA 41 be deleted from Schedule 7. While there is no submission seeking this, as the area is not mapped on TTPP maps and falls below Mean High Water Springs then this error can be corrected as a Clause 16 amendment.

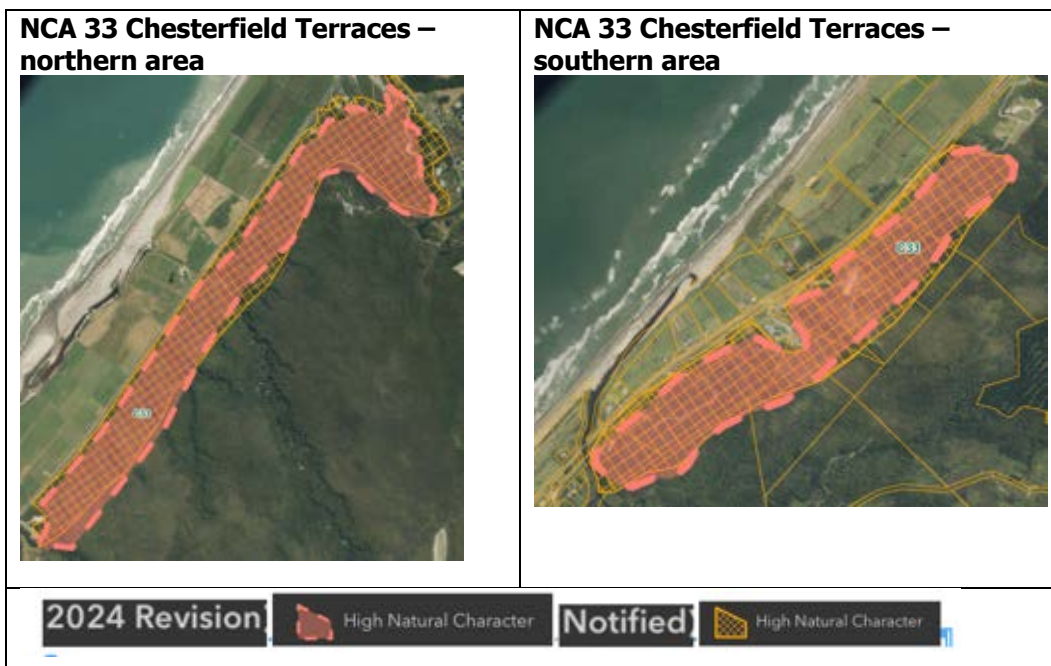
NCA 57 Karamea

505. Ruth Henschel (S150.004) and Richarge Henschel (S285.003) seek that the HCNC be removed from 4456B Karamea Highway. Emilie Schmitthaeusler (S57.001) and Sander De Vries (S58.001) seek that the HCNC be removed from 4456A Karamea Highway. This is NCA 57 and has been reviewed by Bridget Gilbert and she recommends some modification to the boundary to follow the terrestrial coastal landform edges and to exclude rural living properties as revealed in the aerial photography. I therefore support these submissions.

NCA 57 at 4456A Karamea Highway (Notified Plan – recommendation remove overlay from this property)	NCA 57 at 4456B Karamea Highway (Notified Plan – recommendation remove overlay from this property)
	

NCA 33 Chesterfield Terraces

506. John Helen & Brett Hadland (S318.001), Delwyn Broadbent (S319.001, 319.002), Lynne Lever & Greg Tinney (S320.007, S320.001), Tony Schroder (S343.001, S343.002) and Emi Schroder (S369.001, S369.005) and Greg Maitland (S571.008) seek that the HCNC overlay be removed from the Chesterfield Terraces. The overlay has been reviewed in this area by Bridget Gilbert and she supports the updated Stephen Brown mapping in this area. This has slightly reduced the extent of the area (but does not remove it) to exclude modified areas where built development is evident. I therefore support these submissions in part.



NCA 11 Okuru

507. Michael Snowden (S492.002) seeks that the HCNC is removed from the privately owned farmland southwest of Okuru-Turnbull. Gerard Nolan (S261.003) also seeks the removal of the areas of coastal natural character. The overlay has been reviewed in this area and Bridget Gilbert recommends that the HCNC is amended to exclude all small-scale residential properties in the area, and that the boundary is aligned to the coastal landforms to exclude farmland. I therefore support this submission.

NCA 11 Okuru (Notified Plan)



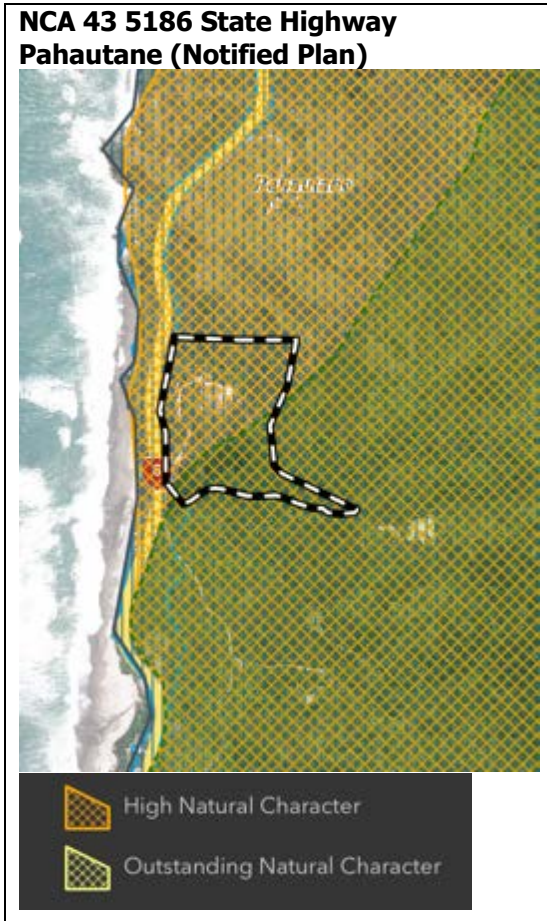
NCA 11 – Recommended Amended Boundaries



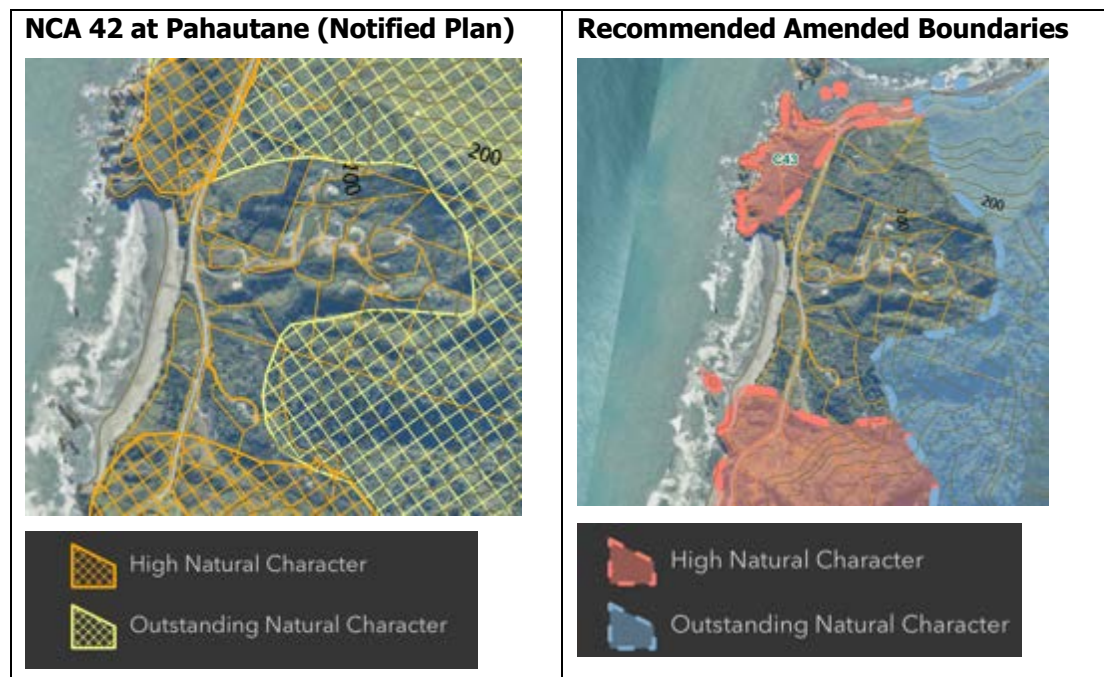
NCA 43 Pahautane

508. Fiona McDonald (S561.002) and Jon Barltrop (S572.002) seeks that the HCNC is reviewed on the property at 5186 State Highway, Pahautane. The overlay has been reviewed in this area and Bridget Gilbert considers that the updated Stephen Brown mapping is more appropriate in this location. She identifies that there are some dwellings and smaller scaled undeveloped lots within this HCNC but that the continuity

of coastal landform and vegetation patterns across these areas means that they display HCNC. She also notes that the identification of HCNC in the underlying natural character assessment acknowledges that such areas are likely to contain human modification. The updated mapping has no change for the identification of this property as an area of High Coastal Natural Character, therefore I do not support these submissions.



509. Dean Van Mierlo (S570.005, S570.001) seeks that the OCNC boundary is reviewed at Pahautane and his property excluded. The overlay has been reviewed in this area by Bridget Gilbert and she supports the notified TTPP mapping which is the same as the updated Stephen Brown mapping in this area. She considers the very modest scale of development on the submitters land does not preclude it from being included in the OCNC. I therefore do not support this submission.



510. G.E. and C.J. Coates (S415.014)) seeks that HCNC is removed from their property at Barrytown. Insufficient information was provided with the submission to enable Bridget Gilbert to review the appropriateness of the identification. I therefore do not support this submission at this time, but invite the submitter to provide more information about the location at the hearing.
511. Jane Whyte & Jeff Page (S467.035) seeks that land within Punakaiki Village is not included within the overlay. There is no land in Punakaiki Village with the HCNC overlay, but Hartmount Place at Te Miko is within the overlay. The overlay has been reviewed in this area by both Stephen Brown and Bridget Gilbert and is considered to be appropriate. I therefore do not support this submission.
512. West Coast Regional Council (S488.010) seeks that the HCNC overlay is removed from Karamea River (west end of Karamea Domain stopbank), Kongahu (Granite Creek) and Mokihinui (adjoining the downstream end of the bay). This affects NCA 57 at Karamea and Kongahu and NCA 56 at Mokihinui. It is unclear from the submission the location where the submitter is seeking changes. The review by Bridget Gilbert identifies that removing stopbanks from the HCNC may be appropriate, but this will depend on the context. Generally the mapping in the vicinity of the locations mentioned in the submissions are considered to be accurate, excepting that there are a number of locations where Ms Gilbert recommends that the mapping of NCA 57 should be adjusted to follow the terrestrial coastal landform edges and vegetation edges.
513. As it has not been possible from the information provided to identify the locations of concern I do not support this submission at this time, and the submitter is invited to provide further information on this at the hearing.

Outstanding Natural Character Overlay – Planning Maps

514. Five submitters support this overlay. Three submitters support that their properties are not within the overlay. The Māori Trustee (S440.054, S440.055) supports the overlay over properties they administer. This support is noted.
515. Brian Anderson (S576.018) seeks that the overlay is based on landscape values not the underlying land tenure. I support this submission in part – the boundaries included within the proposed Plan are “tenure neutral” and have been assessed on

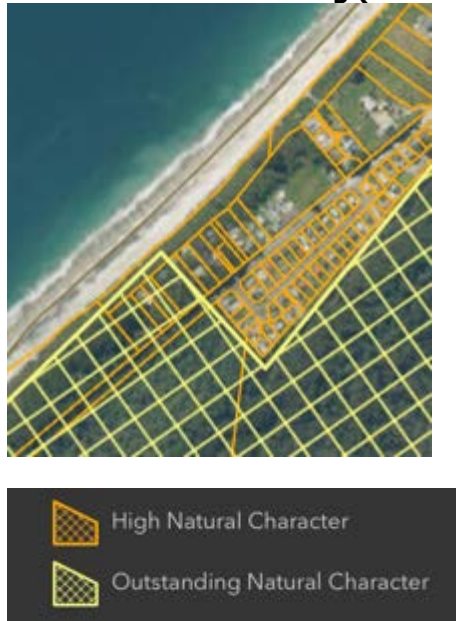
landscape values. Therefore no amendment is required in response to this submission.

516. Grey District Council (S608.844) seeks that the overlay is reviewed and reassessed. I support this submission and note that since the notification of the proposed Plan, this exercise has been undertaken by Stephen Brown in September 2022, digitised in 2024 and reviewed by Bridget Gilbert. I refer to Ms Gilbert's evidence which is attached as Appendix Three to this report. It states "in summary it is my opinion that, at a very general level, the methodology underpinning the HNC and ONC mapping in the August 2024 GIS HNC/ONC mapping is credible". However she goes on to state "from a technical perspective, both mapping sets present difficulties in terms of technical accuracy". Ms Gilbert makes a number of recommendations in Appendix C of her evidence where she considers further refinement of the HNC/ONC mapping is required from an expert landscape perspective. I support making the changes recommended in Ms Gilbert's Appendix C as the key relief to this submission point.

NCA 10 Hannah's Clearing

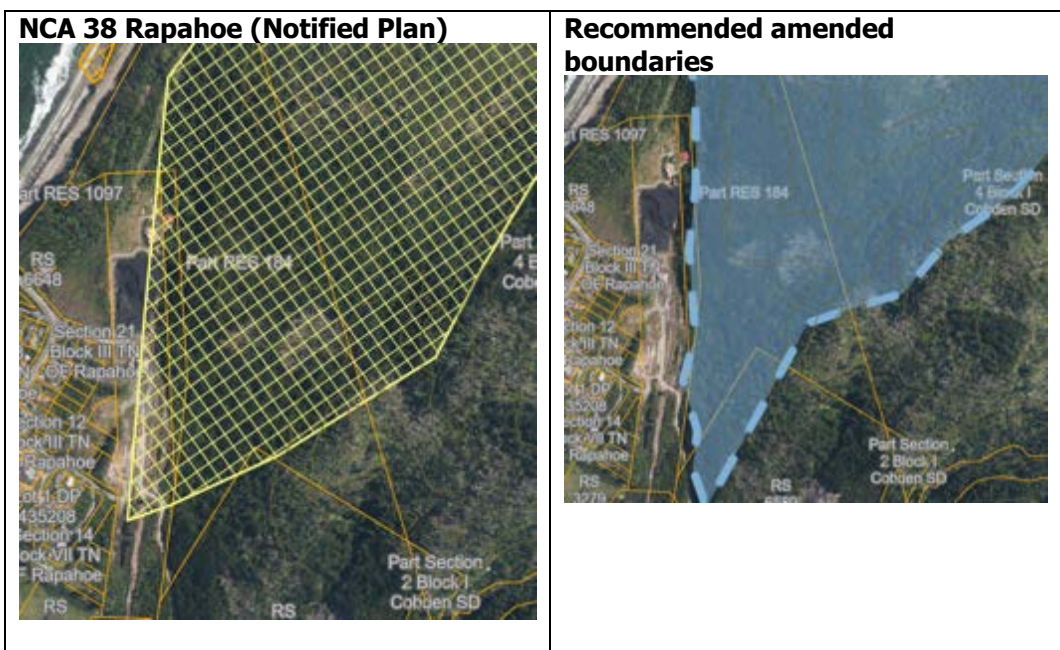
517. Raylene Black (S305.001) seeks that the overlay is removed from her property at the southern end of Hannah's Clearing. Vance and Carol Boyd (S447.006, S447.007) also seek the removal of their properties from the OCNC at Hannah's Clearing.
518. The overlay has been reviewed in this area by Bridget Gilbert and she supports the removal of the overlay from these properties and the creation of a "non-overlay margin" along the southern side of the settlement area of a similar scale to that mapped along the eastern side. I therefore support these submissions.

NCA 10 Hannahs Clearing (Notified Plan)



NCA 38 Rapahoe

519. Straterra (S536.035, S536.034) seeks that Rapahoe Coal Yard is excluded from the HCNC overlay. Birchfield Coal Mines Ltd (S601.127) seeks that NCA38 is amended to remove the OCNC from the Birchfield Coal Mines site and Kiwirail designated land at Rapahoe. The overlay has been reviewed in this area and Bridget Gilbert recommends that the HCNC is amended to exclude built development at the Rapahoe residential settlement and realigned to follow the coastal landform boundaries and vegetation edges. She does not support modifications to the mapping to exclude Mineral Extraction Zoned area undeveloped bush due to the level of existing natural character evident. I therefore support these submissions in part.



NCA 37 Elizabeth Range – North Beach Cobden

520. Russell and Joanne Smith (S477.002) – 332F North Beach Road, Tim Macfarlane (S482.002), Claire & John West (S506.002), Lauren Nyhan Anthony Phillips (S533.002) -332D North Beach Road, Joel and Jennifer Watkins (S565.001, S565.003, S565.004) -332A North Beach Road and Stewart & Catherine Nimmo (S559.002) seek that the HCNC overlay boundary is reviewed over their properties at North Beach Road Cobden. The overlay has been reviewed in this area and Bridget Gilbert recommends that the area where rural living development is evident are removed from the overlay which is realigned to the mature contiguous bush boundaries. I therefore support these submissions in part.

NCA 37 North Beach Road Cobden (Notified Plan)



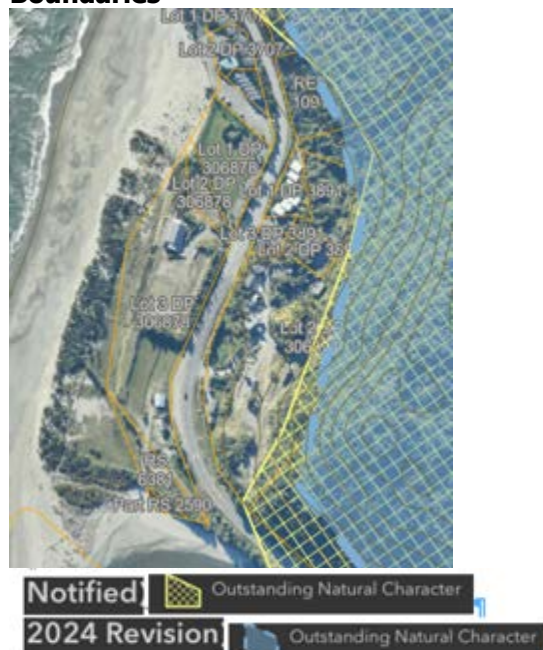
NCA 42 Punakaiki

521. Jane Whyte & Jeff Page (S467.036) – 11 Owen Street Punakaiki, seek that no land at Punakaiki Village is identified as Outstanding Coastal Natural Character.
522. Neil Mouat (S535.082, S535.079) seek that the land identified as OCNC at Punakaiki is reviewed.
523. The overlay has been reviewed in this area by Bridget Gilbert and she supports the updated Stephen Brown mapping in this area. There is no OCNC overlay over 11 Owen Street Punakaiki. In relation to the submissions of Neil Mouat, Ms Gilbert considers the very modest scale of development on the submitters land does not preclude it from being included in the OCNC though notes that the extent of the OCNC has been slightly reduced in the vicinity in the August 2024 mapping. I therefore do not support these submissions.

NCA 42 at Punakaiki – 11 Owen Street highlighted



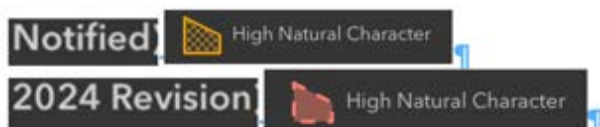
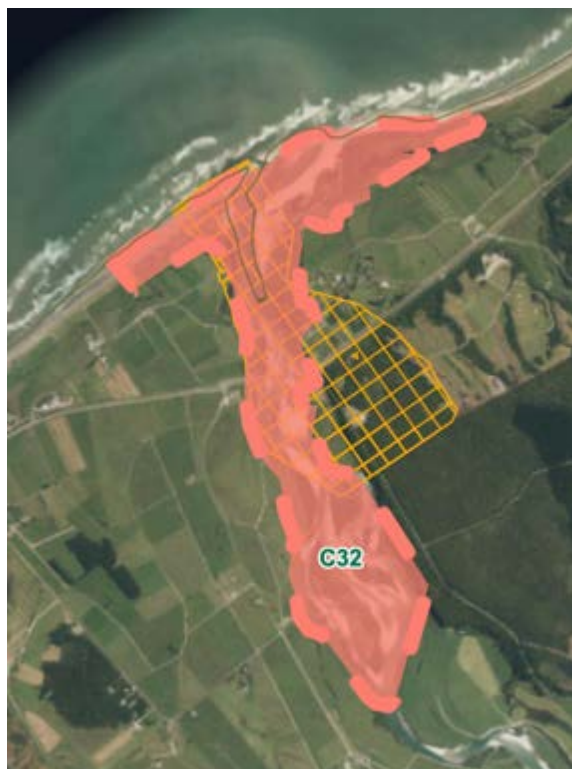
NCA42 – Punakaiki South Notified Plan and Recommended Amended Boundaries



NCA 32 Awatuna

524. Glenn Robinson (S216.001) seeks that their property at 6A Stafford Loop Road should be reassessed. This overlay has been reviewed by both Stephen Brown and Bridget Gilbert. Both landscape architects consider that the property is incorrectly included in the HCNC. I therefore support this submission.

NCA 32 6A Stafford Loop Road, Awatuna
Notified Plan and showing Recommended
Amended Boundaries



NCA 54 Granity

525. Jackie and Bart Mathers and Gillman (S228.001) – 170 and 170A Torea Street Granity seeks that the plan is amended to reflect an objective analysis and review of the NCA54 overlay. The overlay has been reviewed in this area by Bridget Gilbert and she considers that in this location the notified plan mapping is appropriate. She considers the elevated coastal slopes in contiguous bush cover do qualify as HCNC. I therefore support this submission in part.

NCA 54 at Granity (notified Plan) – 170 Torea Street highlighted



526. Karen and Dana Vincent (S591.003) seek that Barrytown beach is included within the area of HCNC. I do not support this submission. Neither the 2013 or 2022 Stephen Brown landscape study identify this area as being an area of HCNC. In her review Bridget Gilbert also considers this area is not an HCNC.
527. Fernando Tarango (S342.003) and Laurence Rueter (S381.002) seek that "The Pyramid" feature at Karamea is included in the overlay. Bridget Gilbert has reviewed the mapping in this area and agrees that the updated Stephen Brown mapping is correct in the vicinity of the Pyramid. She considers that the exclusion of the Pyramid is technically correct due to the level of earthworks and built modification in this location. I therefore do not support these submissions.

NCA Schedules

528. Grey District Council (various submissions) have supported each NCA within the schedules. David Moore (various submissions) supports the majority of NCA areas scheduled also.
529. Vance & Carol Boyd (S447.011 and S447.012) seek that the spatial description of NCA 4 and NCA 5 within the schedule is amended so that it is clear that properties at settlements such as Hannah's Clearing are not included. I support these submissions in part. Hannah's Clearing is actually in NCA 10 (Hannah's Clearing) so I consider that this is the appropriate location of this statement. I note that parts of Neils' Beach and Jackson Bay are within areas NCA 4 and NCA 5 so an exclusionary statement would be incorrect in these scheduled area descriptions. I propose the following amendments to the description NCA 10 in Schedule 8:

NCA10 Hannah's Clearing

Outstanding natural character.

- A broad sweeping ocean beach backed by patches of low lying mature coastal forest, eroded dune lands, and pasture.
- Highly dynamic and dramatic interaction / relationship between the beach and dune field and the open waters of Te Tai-o-Rēhua/ the Tasman Sea.
- Backed by extensive mature forest which extends towards the Selborne and Browning Ranges.
- The presence of pasture, Haast - Jackson Bay Road, and powerlines do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit.
- The dramatic exposure of the open waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness.

The area of outstanding natural character wraps around the settlement of Hannah's Clearing with the settlement itself not included within the area.

530. Buller Conservation Group (S552.206) and Frida Inta (S553.206) seeks that the reference to the Orowaiti River in the schedule in relation to NCA 55 be replaced with the Mokihinui River. I support these submissions which correct an error in the schedule.

Recommendations

531. That the following locations are removed from the HCNC maps :
- Areas of General Residential Zone at Ashmore Ave Cobden in NCA 37
 - 4456A and B Karamea Highway in NCA 57
 - small scale residential properties and farmland at NCA 11 Okuru
 - 6A Stafford Loop Road in NCA 32

532. That the following locations are removed from the OCNC maps:

- Rural lifestyle properties in NCA 10 at Hannah's Clearing
 - The Rapahoe Coal Yard and KiwiRail designated land at Rapahoe NCA 38
 - Properties at North Beach Road Cobden where rural living development is evident, realigning the boundary to mature contiguous bush in NCA 37
533. That the HCNC maps are updated as per the recommendations of the report of Bridget Gilbert in Appendix 3.
534. That the OCNC maps are updated as per the recommendations of the report of Bridget Gilbert in Appendix 3.
535. That the Coastal Environment overlay is updated as per the recommendations of the report of Bridget Gilbert in Appendix 3
536. That NCA 41 be deleted from Schedule 7
537. That the description of OCNC 10 within Schedule 8 be amended as follows:

NCA10 Hannah's Clearing

Outstanding natural character.

- A broad sweeping ocean beach backed by patches of low lying mature coastal forest, eroded dune lands, and pasture.
- Highly dynamic and dramatic interaction / relationship between the beach and dune field and the open waters of Te Tai-o-Rēhua/ the Tasman Sea.
- Backed by extensive mature forest which extends towards the Selborne and Browning Ranges.
- The presence of pasture, Haast - Jackson Bay Road, and powerlines do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit.
- The dramatic exposure of the open waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness.

The area of outstanding natural character wraps around the settlement of Hannah's Clearing with the settlement itself not included within the area.

538. That the description of OCNC NCA 55 in Schedule 8 be amended to refer to the Mokihinui rather than Orowaiti River.
539. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

15.2 Submissions on the Coastal Environment Overlay

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Department of Conservation (S602)	S602.139	Oppose	Amend all zoning and overlay maps so they do not extend over the CMA.
Avery Brothers (S609)	S609.076	Amend	Amend and reduce the inland extent of the Coastal Environment Overlay.
Grey District Council (S608)	S608.079	Amend	Amend the Coastal Environment chapter/mapping to be consistent with this overlay description by removing it from the urban areas of the Grey District
<i>Gordon D Ferguson (FS47)</i>	<i>FS47.002</i>	<i>Neutral</i>	<i>Not stated</i>

Buller District Council (S538)	S538.310	Oppose in part	Council seeks that the urban area of Westport is excluded from the Coastal Environment overlay and Elley Drive, all of Carters Beach and Beach Road (Charleston) are included. Council seeks that the Coastal Environment boundary in the Little Wanganui and Karamea areas is reviewed and retracted. Council requests that careful consideration is given to any individual submissions regarding the accuracy of the Coastal Environment boundary.
<i>Snodgrass Road Submitters (FS109)</i>	<i>FS109.032</i>	<i>Support in part</i>	<i>Allow in part</i>
<i>Tauranga Bay Holdings Ltd (FS32)</i>	<i>FS32.1</i>	<i>Support</i>	<i>Allow</i>
Misato Nomura (S151)	S151.010	Oppose	To remove Kawatiri Place from the Coastal Environment Overlay, OR delete Coastal Environment Overlay and set the boundary to within 150m of Mean High Water Spring as per the Operative Buller District Plan.
Misato Nomura (S151)	S151.011	Support	Revert back to standards in Buller District Plan and identifying Coastal Environments using areas within 150m of the Mean High Water Springs instead.
Joanne and Ken Dixon (S213)	S213.005	Oppose	We request the Coastal Environment Overlay be removed from our and all properties in the Snodgrass Road area.
Jane Neale (S262)	S262.001	Amend	Amend the Coastal Environment Overlay in the plan so that it is in agreement with the NZ Coastal Policy statement Policy 1, and reflect this in the maps.
West Coast Penguin Trust (S275)	S275.007	Support	Review up to date aerial imagery to ensure that the coastal environment overlay map layer is updated, that the definition used in the NZ Coastal Policy Statement is used (areas where coastal processes apply or influence the land, vegetation, species, character etc) and best fits the entire coast and its areas with High Coastal Natural Character, Outstanding Coastal Natural Character and Coastal Natural Hazard.
<i>Mike Spruce (FS218)</i>	<i>FS218.002</i>	<i>Support</i>	<i>Not stated</i>
John Caygill (S290)	S290.001	Amend	Comprehensively map the full extent of the Coastal Environment across the West Coast.
John Helen & Brett Hadland (S318)	S318.002	Oppose	Remove the Coastal Environment Overlay from our property [at 1298 Kumara Junction Highway – Chesterfield Terraces]

Lynne Lever & Greg Tinney (S320)	S320.002	Amend	We want the coastal overlay boundaries amended for our property and realigned with the terrace edge.
Tony Schroder (S343)	S343.003	Oppose	Move coastal environment boundary on our property and realign to the terrace edge
John Brazil (S360)	S360.026	Oppose in part	Amend and reduce the inland extent of the Coastal Environment Overlay. Listed parcel to remain excluded.
Emi Schroder (S369)	S369.002	Oppose	Remove the Coastal Environment Overlay from our property and back to the terrace edge (Chesterfield Terraces area).
Gail Dickson (S407)	S407.002	Oppose in part	Review the coastal environment overlay and clarify the reasons why some areas such as Karamea, and Westport encroach inland for a considerable way and others just show the little blue lines in a thin strip along the coast.
Suzanne Hills (S443)	S443.032	Amend	Review the mapping of the coastal environment to ensure it is consistent with the NZCPS.
Suzanne Hills (S443)	S443.033	Amend	Review this section to ensure consistency with the NZCPS.
Clare Backes (S444)	S444.012	Amend	Amend the plan so that it is in agreement with the NZ Coastal Policy statement Policy 1, and reflect this in the maps.
Inger Perkins (S462)	S462.023	Amend	Review the coastal environment mapping so that it meets the requirements of the NZCPS.
<i>Paul Elwell-Sutton (FS74)</i>	<i>FS74.4</i>	<i>Support</i>	<i>Allow</i>
Jane Whyte & Jeff Page (S467)	S467.005	Amend	Review coastal environment overlays to enable tourism development at Punakaiki village
Jane Whyte & Jeff Page (S467)	S467.034	Oppose	Remove coastal environment overlay from Punakaiki village
Katherine Gilbert (S473)	S473.014	Amend	Amend plan to comprehensively map the full extent of the Coastal Environment across the entire West Coast region.
Frank and Jo Dooley (S478)	S478.001	Amend	Review the Coastal Environment overlay and reduce the extent of area it covers.
<i>Frank O'Toole (FS235)</i>	<i>FS235.038</i>	<i>Support</i>	<i>Not stated</i>
Leonie Avery (S507)	S507.062	Oppose	Amend overlay extent to exclude our properties.
Jared Avery (S508)	S508.062	Oppose	Amend overlay extent to exclude our properties.
Kyle Avery (S509)	S509.062	Oppose	Amend overlay extent to exclude our properties.
Avery Bros (S510)	S510.062	Oppose	Amend overlay extent to exclude our properties.

Bradshaw Farms (S511)	S511.062	Oppose	Amend overlay extent to exclude our properties.
Paul Avery (S512)	S512.062	Oppose	Amend overlay extent to exclude our properties.
Brett Avery (S513)	S513.062	Oppose	Amend overlay extent to exclude our properties.
Leonie Avery (S507)	S507.083	Oppose in part	Amend and reduce the inland extent of the Coastal Environment Overlay.
Jared Avery (S508)	S508.083	Oppose in part	Amend and reduce the inland extent of the Coastal Environment Overlay.
Kyle Avery (S509)	S509.083	Oppose in part	Amend and reduce the inland extent of the Coastal Environment Overlay.
<i>Frida Inta (FS223)</i>	<i>FS223.014</i>	<i>Oppose</i>	<i>Not stated</i>
<i>Buller Conservation Group (FS224)</i>	<i>FS224.014</i>	<i>Oppose</i>	<i>Not stated</i>
Avery Bros (S510)	S510.083	Oppose in part	Amend and reduce the inland extent of the Coastal Environment Overlay.
Bradshaw Farms (S511)	S511.083	Oppose in part	Amend and reduce the inland extent of the Coastal Environment Overlay.
Paul Avery (S512)	S512.083	Oppose in part	Amend and reduce the inland extent of the Coastal Environment Overlay.
Brett Avery (S513)	S513.083	Oppose in part	Amend and reduce the inland extent of the Coastal Environment Overlay.
Steve Croasdale (S516)	S516.064	Amend	Amend and reduce the inland extent of the Coastal Environment Overlay.
Neil Mouat (S535)	S535.033	Oppose in part	Amend and reduce the inland extent of the Coastal Environment Overlay.
Westpower Limited (S547)	S547.414	Amend	Ensure the built environment and infrastructure, including energy activities and critical infrastructure are identified and shown on relevant maps for the coastal environment, including the extent of Urban Areas not forming part of the coastal environment overlay.
Chris & Jan Coll (S558)	S558.277	Amend	Amend and reduce the inland extent of the Coastal Environment Overlay especially in areas where there is settlement and agricultural use.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.031	Amend	Map the Coastal Environment again using appropriate experts to identify the extent by applying Policy 1 of the NZCPS.
<i>Grey District Council (FS1)</i>	<i>FS1.407</i>	<i>Support in part</i>	<i>Allow in part</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.032	Amend	Until it is mapped accurately, include a default coastal environment of 2km landward of the CMA.
<i>Westpower Limited (FS222)</i>	<i>FS222.0327</i>	<i>Oppose</i>	<i>Disallow</i>
<i>West Coast Penguin Trust (FS45)</i>	<i>FS45.17</i>	<i>Support</i>	<i>Allow</i>
Royal Forest and Bird Protection Society of	S560.417	Amend	Amend coastal environment mapping meets the requirements of NZCPS Policy 1.

New Zealand Inc. (Forest & Bird) (S560)			
<i>Westpower Limited (FS222)</i>	<i>FS222.0277</i>	<i>Oppose</i>	<i>Disallow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.420	Amend	Redo and update the mapping of the Coastal Environment using appropriate experts to identify the extent by applying Policy 1 of the NZCPS landward of the CMA and identifying any further areas of High natural character or Outstanding coastal environment.
<i>Westpower Limited (FS222)</i>	<i>FS222.0328</i>	<i>Oppose</i>	<i>Disallow</i>
Geoff Volckman (S563)	S563.056	Oppose in part	Amend and reduce the inland extent of the Coastal Environment Overlay.
Catherine Smart-Simpson (S564)	S564.062	Amend	Amend and reduce the inland extent of the Coastal Environment Overlay.
Chris J Coll Surveying Limited (S566)	S566.277	Amend	Amend and reduce the inland extent of the Coastal Environment Overlay especially in areas where there is settlement and agricultural use.
William McLaughlin (S567)	S567.342	Amend	Amend and reduce the inland extent of the Coastal Environment Overlay especially in areas where there is settlement and agricultural use.
Laura Coll McLaughlin (S574)	S574.277	Amend	Amend and reduce the inland extent of the Coastal Environment Overlay especially in areas where there is settlement and agricultural use.
Brian Anderson (S576)	S576.008	Amend	Amend accuracy of maps
Department of Conservation (S602)	S602.138	Amend	Map the entire coastal environment down to the CMA in accordance with the NZCPS and Policy CE-P1.
<i>Westpower Limited (FS222)</i>	<i>FS222.093</i>	<i>Oppose</i>	<i>Disallow</i>
<i>West Coast Penguin Trust (FS45)</i>	<i>FS45.14</i>	<i>Support</i>	<i>Allow</i>
Grey District Council (S608)	S608.487	Amend	Amend the Coastal Environment overlay to be consistent with this description
Avery Brothers (S609)	S609.054	Oppose	Amend overlay extent to exclude our properties.
Karamea Lime Company (S614)	S614.084	Amend	Amend and reduce the inland extent of the Coastal Environment Overlay.
Peter Langford (S615)	S615.084	Amend	Amend and reduce the inland extent of the Coastal Environment Overlay.
Snodgrass Road submitters (S619)	S619.007	Support	Retain as notified
Snodgrass Road submitters (S619)	S619.006	Oppose	That the Coastal Environment Overlay be removed from these properties.
<i>Frank O'Toole (FS235)</i>	<i>FS235.093</i>	<i>Support</i>	<i>Allow</i>

Analysis

540. 63 submissions seek a review of the Coastal Environment Overlay. Rather than discuss each submission, I summarise the outcomes which are sought to be addressed in the bullet points below:
- Amend so reflects NZCPS Policy 1 and reflect in the maps
 - Update with latest aerial imagery
 - Comprehensively map the full extent of the coastal environment
 - Remove the overlay from the urban areas of the Grey District
 - Remove the urban area of Westport from the overlay
 - Remove all urban areas
 - Review the boundary at Little Wanganui
 - Review the boundary at Karamea
 - Ensure Elley Drive, all of Carters Beach and Beach Road (Charleston) are included
 - Remove Kawatiri Place from the Overlay
 - Set the boundary to within 150m of MHWS as per the operative Buller District Plan
 - Remove from Snodgrass Road
 - Remove from Okuru
 - Remove from Kumara Junction Highway
 - Remove to terrace edge at Chesterfield Terrace
 - Reduce the inland extent
 - Reduce the inland extent especially in areas where there is settlement and agricultural use
 - Review and clarify justification for the boundary
 - Remove from Punakaiki village
 - Ensure the built environment and infrastructure are identified and shown on relevant maps for the coastal environment, including the extent of Urban Areas not forming part of the coastal environment overlay
 - Include a default coastal environment of 2km landward of the CMA
 - Remove properties at Pahautane
 - Amend accuracy of maps
 - Zone offshore uslands and map these within the coastal environment

Overall Extent of the Coastal Environment

541. The extent of the coastal environment has been reviewed by Ms Gilbert and this is discussed in her evidence at Appendix Three. In summary Ms Gilbert identifies that the methodology underpinning the Coastal Environment boundary is generally sound. She is also of the view that the updated mapping (digitised August 2024) provided by Stephen Brown through his September 2022 review is generally preferred over the Notified TTPP mapping. She provides within her report areas where she considers there are exceptions to this, within Westland specifically:
- refinement of the mapping along the coastline between Seaview and Donoghues, where minor refinement is needed in the vicinity of Adair Road, Lake Tarleton and Sandstone Creek.
 - refinement of the mapping along the coastline between Donoghues and Abut Head, where minor refinement is needed in the vicinity of the Wanganui River
 - refinement of the mapping along the coastline between Abut Head and Makaawhio Point, where minor refinement is needed in the vicinity of the Waiho River and Docherty Creek
 - refinement of the mapping along the coastline between Makaawhio Point and Arnott Point, reconsideration and expansion of the Coastal Environment is needed in the vicinity of the Tawharekiri Lakes, the swamplands to the north and south of the Okura River, the swamp dominated hinterland of Hannah's Clearing and the swamp land in the vicinity of Mt Mclean.

- The southern end of the coastline between Jackson Head and Awaura Point.
542. I note that the updated mapping includes a considerable increase in the extent of the coastal environment in some locations, but that this is the relief sought by several submitters who sought that the boundaries be comprehensively reviewed to implement NZCPS Policy 1 and the WCRPS (West Coast Penguin Trust 275.007, John Caygill S290.001, Suzanne Hills S443.032, Clare Backes S444.012, Inger Perkins S462.023, Katherine Gilbert S473.014, Forest and Bird S560.031, S560.417, S560.420, Brian Anderson S576.008 and Department of Conservation S602.138). I consider this is a preferable outcome – using accurate and updated mapping, to the approach proposed by Forest and Bird in submission point S560.032 which proposes a default coastal environment of 2km landward of the Coastal Marine Area or that of Misato Nomura (S151.011) that proposes a reversion to a blanket 150, from MHWS.
543. I consider that replacing the notified plan Coastal Environment, with the updated Stephen Brown September 2022 mapping (subject to amendments recommended the evidence provided by Bridget Gilbert) gives effect to the NZCPS Policy 1 as is sought by West Coast Penguin Trust 275.007, John Caygill S290.001, Suzanne Hills S443.032, Clare Backes S444.012, Inger Perkins S462.023, Katherine Gilbert S473.014, Forest and Bird S560.031, S560.417, S560.420, Brian Anderson S576.008 and Department of Conservation S602.138. I therefore support these submissions.
544. A large number of submissions sought that the extent of the coastal environment be reduced as a whole. The extent of the coastal environment is driven by the requirements in Policy 1 of the NZCPS. The submitters who seek a reduction, do not reference the NZCPS or what is the actual physical extent of the coastal environment, but are concerned that the implications are restrictions on landowners. As TTPP is required to give effect to the NZCPS (and the WCRPS) I do not support these submissions. I do however note that the approach I recommend below in relation to the application of the coastal environment to urban areas may provide some relief to the concerns of these submitters.

Application of the Coastal Environment to Urban Locations

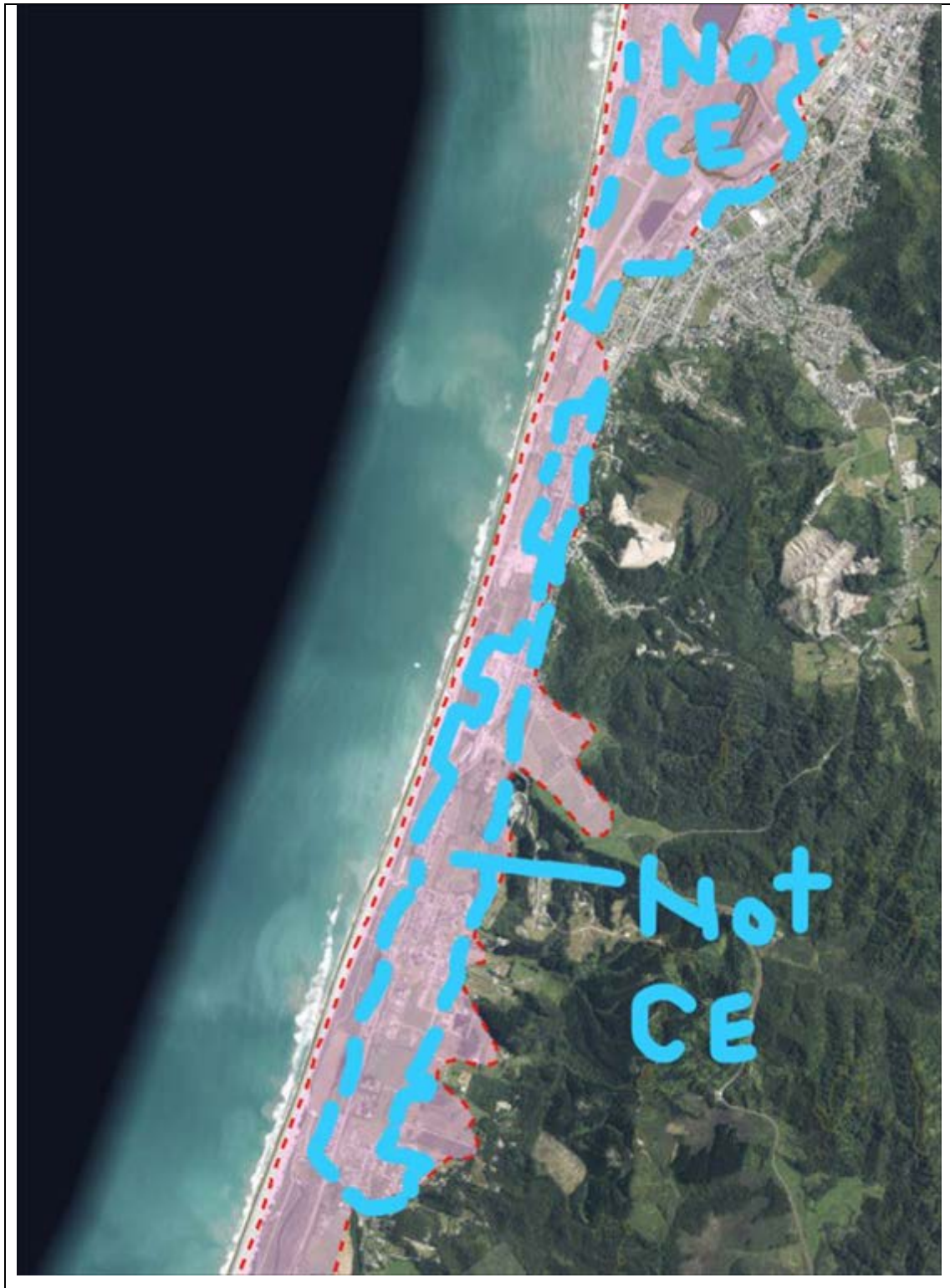
545. Grey District Council (S608.079, Buller District Council S538.310 and Westpower Limited (S547.414) sought that the Coastal Environment be removed from the urban parts of the West Coast. This would also address the mapping concerns of Misato Nomura (S151.010) and Joanne and Ken Dixon (S213.005). I have considered this issue carefully and discussed it with Ms Gilbert who outlines her perspectives in her evidence at Appendix 3. Given that the rules within the Coastal Environment chapter do not apply to the Urban Zones, I consider that excluding these areas from the mapped coastal environment is appropriate, in order to avoid confusion around what provisions apply. I therefore support these submissions and recommend the following amendment to the boundaries of the coastal environment to exclude the main urban areas of Hokitika, Greymouth and Westport as shown in the maps below.

Westport

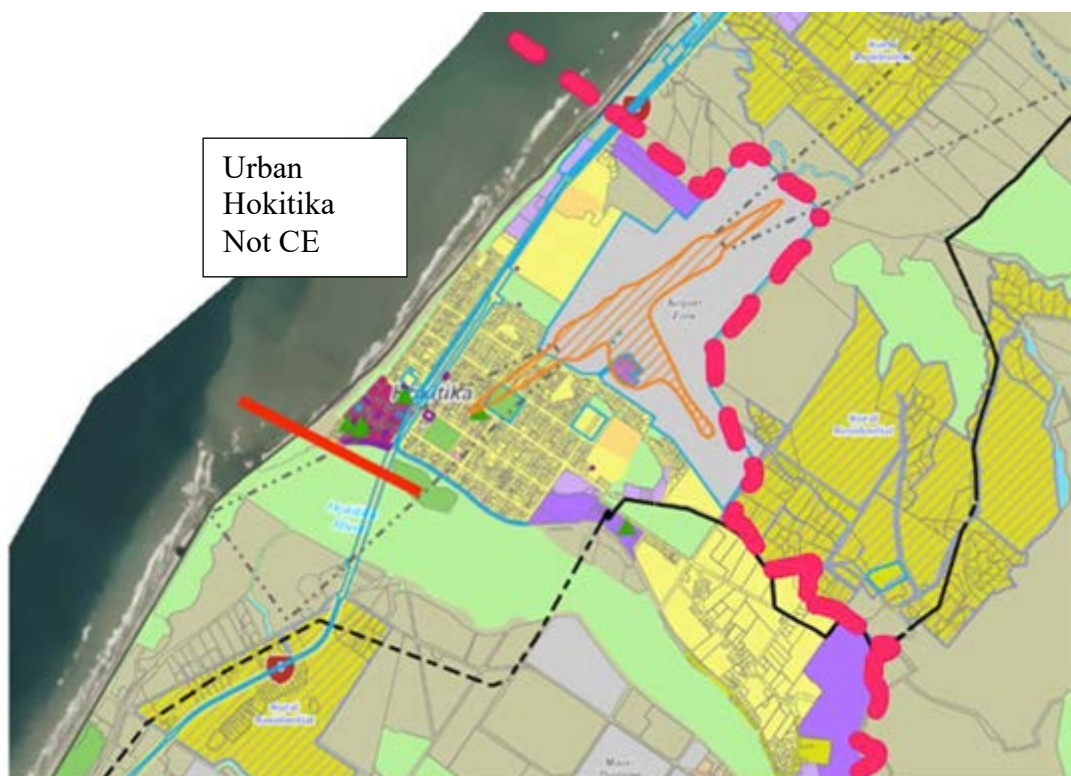


Greymouth





Hokitika



Mapping of Specific Locations in the Coastal Environment

546. Ms Gilbert in her evidence has specifically reviewed the locations where submitters have sought amendments to the Coastal Environment boundary in Appendix B of her report. I do not repeat the information here and I support her recommendations which I summarise in the table below:

Submission	Location/Issue	Recommendation
Misato Nomura (S151.010)	Kawatiri Place/Eastons Road, Westport	Accept in part – remove Coastal Environment from urban area of Westport including Eastons Road
Joanne and Ken Dixon (S213.005)	Snodgrass Road, Westport	Accept in part – remove Coastal Environment from urban area of Westport including Snodgrass Road
Jane Neale (S262.001)	Okārito	Accept in part – updated mapping includes the lagoon waters
John Helen & Brett Hadland (S318.002)	1298 Kumara Junction Highway – Chesterfield Terrace, Awatuna	Reject. Area is HCNC. Retain coastal environment.
Tony Schroder (S343.003), Emi Schroder (S369.002)	Chesterfield Terrace, Awatuna	Reject at this time. Area is HCNC but the submitter is invited to provide more detailed information as regards the alignment they consider appropriate in this location
John Brazil (S360.026)	Utopia Road, Westport	Accept in part - remove Coastal Environment from urban area of

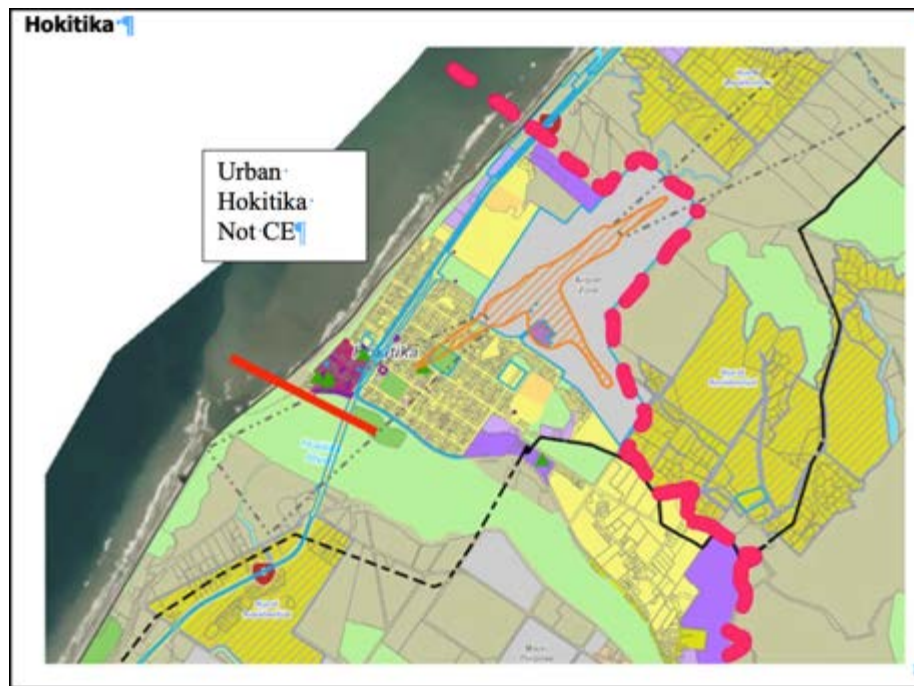
		Westport including Snodgrass Road, retain Coastal Environment at Utopia Road
Jane Whyte and Jeff Page (S467.005, S467.034)	11 Owen St, Punakaiki	Reject. Retain coastal environment at Punakaiki
Kyle Avery (S509.062) (and other similar submissions from other submitters)	60 Orowaiti Road, Westport	Accept in part - remove Coastal Environment from urban area of Westport including Orowaiti Road
Forest and Bird (S560.031) (and other similar submissions from other submitters)	Entire West Coast	Accept in part – adopt updated mapping to ensure that locations not included in the coastal environment in the notified Plan are included. Do not map urban areas of Westport, Hokitika and Greymouth in the coastal environment.
Catherine Smart - Simpson (S564.062) (and other similar submissions from other submitters)	Entire West Coast	Accept in part – adopt updated mapping to include the recommended amendments (additions and reductions) in the extent of the coastal environment. Do not map urban areas of Westport, Hokitika and Greymouth in the coastal environment.
William McLaughlin (S567.342) (and other similar submissions from other submitters)	Entire West Coast	Accept in part – adopt updated mapping to include the recommended amendments (additions and reductions) in the extent of the coastal environment. Do not map urban areas of Westport, Hokitika and Greymouth in the coastal environment.
Peter Langford (S615.084)	Entire West Coast	Accept in part – adopt updated mapping to include the recommended amendments (additions and reductions) in the extent of the coastal environment. Do not map urban areas of Westport, Hokitika and Greymouth in the coastal environment.

Recommendations

547. That the towns of Westport, Hokitika and Greymouth be removed from the coastal environment as identified in the maps below:







548. That the coastal environment maps are updated as per the recommendations of the report of Bridget Gilbert in Appendix 3.
549. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

16.0 S32AA Evaluation for all Recommended Amendments

550. Section 32AA of the RMA requires a further evaluation to be undertaken in accordance with s32(1)-(4) if any amendment has been made to the proposal (in this case TTPP) since the original s32 evaluation report was completed. Section 32AA requires that the evaluation is undertaken in a level of detail that corresponds to the scale and significance of the changes. Minor changes to correct errors or improve the readability of TTPP have not been individually evaluated. In terms of s32AA, these minor amendments are efficient and effective in improving the administration of TTPP provisions, being primarily matters of clarification rather than substance. The key changes that I have considered to be significant in relation to this evaluation are:
- The addition of a requirement for buildings to be set back 25m from MHWS in Permitted Activity Rules CE – R4 (Coastal Environment) and CE – R5 (High Natural Character Area)
 - Changing Rule CE – R16 (Buildings and Structures in Outstanding Coastal Environment Area) from Restricted Discretionary to Discretionary and the consequential amendment to create new rule CE – R22A
 - Introducing new Rule CE – RXXX for afforestation with commercial forestry where indigenous vegetation is cleared beyond Permitted Activity standards
 - Amending the extent of the mapped coastal environment to reflect the recommendations of the Stephen Brown and Bridget Gilbert reviews. This includes the removal of the coastal environment from the urban areas of Westport, Hokitika and Greymouth.

Effectiveness and Efficiency

551. The amendments to the rules are made to give effect to the NZCPS and WCRPS which places a strong protective direction over the coastal environment, and the requirement that *significant adverse effects* on natural character, indigenous

biodiversity, landscape and natural features in the coastal environment are avoided, and that *adverse effects* on areas of outstanding natural features and landscape, outstanding natural character and significant indigenous biodiversity in the coastal environment are avoided. The amendments to these rules are strongly linked to the directions provided in Policies 13 and 15 of the NZCPS in particular and I consider are an effective and efficient way to address this matter. This is also supported by the direction in the WCRPS.

552. In terms of the amendments to the coastal environment extent mapping, this is required to give effect to Policy 1 of the NZCPS and recognises that with improvements in mapping technology and in particular high resolution aerial photography the accuracy of the Stephen Brown 2022 mapping (with amendments recommended from the Bridget Gilbert review) is considerably superior to the 2013 mapping.
553. Overall I consider that these changes better implement the direction provided by the NZCPS around the management of the coastal environment and the natural character, natural features and landscapes, and indigenous biodiversity within it.

Costs/Benefits

554. The introduction of a 25m setback for Permitted buildings in the coastal environment could create some costs for landowners – but I note that in many locations these areas are also subject to coastal hazards and that the operative plans all contained larger building setbacks. Practically therefore I consider the costs of this measure to be small.
555. The introduction of a requirement for a resource consent where indigenous vegetation clearance is required to establish commercial forestry, and oncreasing the restriction for new buildings in outstanding environments will have some increased costs for persons wanting to undertake this activity. However I consider that the benefits in terms of reducing adverse effects on the ecosystems, landscapes and natural character of the coastal environment outweigh these costs.
556. The updated coastal environment extent mapping will create additional restrictions on some landowners in terms of the size and height of Permitted buildings. There will be significant benefits in terms of greater certainty and direction in removing the urban areas of Westport, Hokitika and Greymouth from the coastal environment overlay.
557. Overall I consider that the potential costs of these proposals are outweighed by the benefits.

Risk of Acting/Not Acting

558. I consider that there is a good degree of certainty about the adverse effects of these activities and that the policy guidance will ensure they are appropriately implemented. I consider that there is sufficient information on which to act in relation to these matters.

Decision about most appropriate option

559. The recommended amendments are considered to be more appropriate in achieving the purpose of the RMA than the notified version of TTPP.

16.0 Conclusion

560. This report has provided an assessment of submissions received in relation to the Coastal Environment Chapter, Schedules 7 and 8, relevant definitions and the planning maps.
561. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.