



Te Tai o Poutini PLAN

A combined district plan for the West Coast

**Te Tai o Poutini Plan Committee Meeting
To be held in the Council Chambers, West Coast Regional Council
388 Main South Rd, Paroa
28 September 2021**

AGENDA

10.00	Welcome and Apologies	Chair
	Confirm Previous Minutes	Chair
	Matters Arising from Minutes	Chair
10.05	Topics for Committee members to declare an interest in. Under discussion today: Financial Contributions Jackson Bay	Chair
10.10	Financial Report	Acting Corporate Services Manager WCRC
10.20	Notice of Motion from Regional Council Chair Allan Birchfield and Staff Advice	Project Manager
10.50	Technical Report - Ecosystems and Indigenous Biodiversity Rules	Principal Planner
11.30	Technical Report – Landscape and Natural Features Overlays and Rules	Principal Planner
12.10	Technical Report – Natural Hazards Rules	Senior Planner
12.50	Lunch	
1.20	Technical Report – Public Access Objective	Senior Planner
1.30	Technical Report – Financial Contributions Rules	Principal Planner
1.45	Technical Report – Scenic Visitor Zone	Principal Planner
2.00	Technical Report – Jackson Bay Port Zoning Provisions	Principal Planner
2.15	Technical Report – Hokitika and Reefton Town Centre Design Guidelines	Principal Planner
2.25	Response to NPS Freshwater Management and NES Urban Development Requirements for District Plans	Principal Planner
2.40	Technical Update – Review of Rural Zones Chapter	Principal Planner
2.50	Project Manager’s Report	Project Manager
2.55	General Business	Chair
3.00	Meeting Ends	

Meeting Dates for 2021

October	Friday 29	Buller District Council
November	Tuesday 30	Te Tauraka Waka a Maui Marae, Bruce Bay
December	Thursday 16	Grey District Council

THE WEST COAST REGIONAL COUNCIL

MINUTES OF MEETING OF TE TAI O POUTINI PLAN COMMITTEE HELD ON 2 SEPTEMBER 2021, HELD VIA ZOOM, COMMENCING AT 10.04 A.M.

PRESENT:

R. Williams (Chairman), T. Gibson, B. Smith, L. Martin, L. Coll McLaughlin, A. Becker, A. Birchfield, P. Madgwick, F. Tumahai, S. Roche, J. Cleine

IN ATTENDANCE:

J. Armstrong (Project Manager), L. Easton, E. Bretherton (WCRC), N. Selman (WCRC), H. Mabin (WCRC), P. Morris (GDC) left meeting at 1.30 pm, S. Bastion (WDC), S. Mason (BDC), J. Paterson (WCRC), T. Jellyman (WCRC)

WELCOME

The Chairman welcomed everyone to the meeting. He reminded those present that this is a public meeting and members of the public as well as media are welcome to attend. The Chairman welcomed any members of the public who may be viewing the meeting via Council's Facebook page.

APOLOGIES:

There were no apologies

CONFIRMATION OF MINUTES

Moved (Martin / Madgwick) *that the minutes of the meeting dated 26 July 2021, be confirmed as correct, with the two corrections noted below being made.*

Carried

Cr Coll McLaughlin drew attention to the bottom of the second paragraph on page 3 of the minutes. She stated that P. Madgwick's comment is more about voicing the approach that the national planning instrument goes against tino rangatiratanga, and not the planning staff report. P. Madgwick confirmed that Cr Coll McLaughlin is correct.

Cr Coll McLaughlin drew attention to the general business section of the minutes where discussion on whether or not Councillors who are not on the committee should attend workshops. It was confirmed that all councillors are encouraged to attend meetings if they choose to, but workshops are for Committee members only.

Moved (Gibson / Becker) *that the changes to the minutes be accepted.*

Carried

MATTERS ARISING

There were no matters arising.

Notice of Motion

The Chairman requested guidance from the committee in relation to Chair Birchfield's Notice of Motion. Cr Roche had raised this. Discussion took place. Cr Becker advised that Grey District Council follow the same policy as mentioned by Cr Roche.

J. Armstrong drew attention to page 52 of Standing Orders which states that once a motion is received the Chief Executive must give members notice in writing of the intended motion at least two clear working days before the date of the meeting that it will be considered on. It was noted that sufficient

notice has been given by Chairman Birchfield and therefore this can proceed. The Chairman stated his preference is for this to be discussed during general business.

Cr Roche would like this to be taken at the end of the meeting to give everyone the opportunity to read Standing Orders prior to the motion coming to the table to ensure that the correct process is followed.

Declarations of Interest

The Chairman advised that the routine register of interests from Local Authorities will come through automatically to this committee.

Cr Martin stated that he owns Air BnB property and this is considered short term accommodation.

Cr Coll McLaughlin advised that she is a commercial surveyor, and there are subdivision topics up for discussion.

Financial Report

N. Selman spoke to this report and stated that there is nothing of significance in the year to date.

Cr Birchfield asked about the \$105,000 asked if this is for the identification for SNA's. J. Armstrong advised this figure is part of what was anticipated for this project but that approval would be sought from the Committee before any further research was undertaken.

N. Selman answered various questions relating to the budget. It was confirmed that the total estimated cost of the plan was around \$4.2 to \$4.4M over the term of the project. Cr Birchfield stated this is an expensive exercise for the people of the West Coast.

Cr Coll McLaughlin asked if the contract with Mr Brown is for research. L. Easton advised that feedback from the three district council technical teams indicated areas that they would like reviewed. She is hoping the work will be less than budgeted but a quote is yet to be received.

Moved (Becker / Cleine)

1. *That the Committee receive the report*
2. *That the Committee gives approval for the Acting Chief Executive West Coast Regional Council to sign a contract for Landscape Research to a maximum value of \$25,000.*

Carried

TE TAI O POUTINI PLAN - DRAFT OBJECTIVES, POLICIES AND RULE DIRECTION FOR NATURAL HAZARDS

E. Bretherton spoke to this report and shared her screen to all participants.

Mayor Smith expressed concern about rules when it comes to identifying areas of hazards which could prevent re-building. He stated there are a number of areas of concern.

P. Madgwick spoke of flood hazard overlays and noted these are yet to be completed. He stated that even after the Westport flood event, and hospital being evacuated, they are still ploughing ahead with the re-build in the same location but on higher foundations. He is concerned about effects on valuations of properties and feels limitations in future will be huge.

E. Bretherton advised that she and L. Easton have further work to do in this area.

Cr Coll McLaughlin stated that more positive policies and directives would be helpful for matters relating to the hazardscape as this would assist with futureproofing.

E. Bretherton advised overlays are expected to be brought to the October meeting.

S. Bastion asked how emergency works would be allowed for. L. Easton advised these are provided under the RMA and explained the process for retrospective resource consents.

Cr Martin stated that this will need to be included in the Franz Josef Master Plan. He spoke of the importance of getting mapping right. E. Bretherton stated that she is working closely with WDC on this matter. Mayor Smith spoke of the importance of looking closely at unintended consequences.

Cr Birchfield commented that it is going to be very important to get hazard mapping correct especially the alpine fault line.

E. Bretherton answered questions and provided additional information on hazards, alpine fault, flood mitigation, liability around natural hazard risks, sensitive infrastructure protection and progress to date. It was agreed that E. Bretherton would investigate matters relating to lifelines infrastructure.

Moved (Becker / Coll McLaughlin)

1. *That the Committee receive the report.*
2. *That the Committee provide feedback on the draft Objectives and Policies for Natural Hazards.*
3. *That the Committee provide rule direction for Natural Hazards.*

Carried

11.07 am - The meeting adjourned and reconvened at 11.14

Rules and update on defended areas were discussed. Areas with walls and how these are addressed were covered. E. Bretherton asked for direction on flood risk overlay. She suggested this could be a permitted activity.

Mayor Cleine stated he is in favour of Option 1.

Cr Coll McLaughlin is happy for Option 1 for both. P. Madgwick stated that he supports discretionary activities for natural hazards.

Mayor Smith stated he is more comfortable with permitted or controlled activities and is not fussed on discretionary activities due to planners having different views on these type of matters.

Discussion took place on tsunami risk. L. Easton advised that non-complying resource consents cannot be granted.

Extensive discussion took place on hazard zones and fault lines. E. Bretherton agreed to follow up on this.

It was agreed this would be discussed further once the overlays are in place.

FUTURE URBAN ZONE RULES

L. Easton spoke to this report and answered questions. Mayor Cleine queried as to whether "future" urban zones is the correct wording. L. Easton advised that in the case of Westport some of these areas may change and be rezoned for urban uses in TTPP. L. Easton stated it would be good to speak with any developers in the Westport area. She stated that feedback on the proposed draft would be very helpful.

L. Easton answered questions and stated that every site has constraints but future urban zones are very useful to have.

L. Easton stated a lot of re-zoning work will be required to cover future urban use in view of land running out in areas such as Hokitika and Greymouth.

L. Easton stated it is very hard to structure a permitted activity rule for mineral extraction within the Future Urban Zone. Cr Birchfield stated that this rule is going to be very hard to work with and would be hard to be able to mine and that the planners had failed. Cr Roche feels this is a disrespectful comment. Cr Coll McLaughlin stated this is not a reflection on staff. L. Easton advised that consultation was held with the minerals sector by the technical team. She stated that it is hard to construct a permitted activity in this zone as it is a zone where there are other, urban focused activities taking place. Mayor Smith expressed his views on this. L. Easton reiterated that she is actively working with the mining sector on this matter. Cr Roche stated she is not happy with the feedback received and feels this needs to be put into perspective.

Cr Roche stated that she is prepared to move this for information only, she agreed to move the first motion but not the second one.

Moved (Roche / Becker)

1. *That the information be received.*

Carried

Moved (Williams / Cleine)

2. *That the Committee provide feedback on the draft Rules for the Future Urban Zone is noted.*

Carried

Technical Update: Subdivision Rules

L. Easton spoke to this report. She advised that the approach is that there are controlled activities so the consent must be granted. L. Easton answered questions. It was noted that GDC would like the minimum lot size in the medium density zone slightly larger.

Extensive discussion took place about the minimum lot size for rural zones and Cr Latham asked whether there should be an allowance for a retirement lot. L. Easton clarified matters relating to rural zone subdivisions and suggested that discussions are held with each council about smaller blocks of land.

L. Easton answered questions about Outstanding Natural Character and advised these are areas where currently there is no development on.

Information on Transport Standards was provided. E. Bretherton stated this is a more in depth set of standards that is specific to the region.

Recession planes were discussed. It was agreed that Cr Coll McLaughlin and L. Easton would discuss this offline.

Moved (Gibson / Tumahai)

1. *That the Committee receive the report.*
2. *That the Committee provide feedback on the wording of the draft Rules for Subdivision.*

Carried

The Chairman advised that the Notice of motion may need to be taken forward by a month as per Standing Orders.

12.40 pm - The meeting adjourned and reconvened at 1.00 p.m.

Short-Term Residential Visitor Accommodation Approach in the Plan

L. Easton spoke to this report and advised that recommendations from technical staff have resulted in no changes required. Extensive discussion took place and it was noted that this was a hot topic during the roadshow as it was felt there was an unfairness around Air BnB's and a disparity around the rules. L. Easton answered questions about fairness and stated that as a general rule fairness should be considered in all planning decisions.

L. Easton stated that it is likely that Option 2 is the preferred option for Westland and Grey districts, and Option 1 in the Buller district. It was noted that once feedback stage is reached a clearer picture will be revealed. P. Madgwick feels that the feedback is unsolicited as it initially came from providers. The motion was amended to allow Buller to vote separately.

Cr Coll McLaughlin abstained from voting as she is a regional Councillor and does not want to vote against other Councillors on what is a local matter.

Moved (Birchfield / Smith)

1. *That the information be received.*
2. *That in the Buller District Option 1 is the preferred option and is included in the draft.*
3. *That in the Westland and Grey Districts Option 2 is the preferred option and is included in the draft.*

Carried

DRAFT Town Centre Design Guidelines – Greymouth and Westport

L. Easton spoke to this report. She answered questions and provided extensive advice.

Moved (Becker / Gibson)

1. *That the information be received.*
2. *That the Committee provide feedback on the draft Guidelines for the Greymouth and Westport Town Centres.*

Carried

Stadium Zone Rules

L. Easton spoke to this report. She advised that the Technical Team have worked through this matter and have advised that Westland Recreation Centre (Greymouth) and the Pulse Energy Centre (Westport) should be included in this zone.

L. Easton stated that it is important to think widely on how these stadiums could be used into the future.

L. Easton answered questions relating to sport and active recreation zones and commercial sponsorship, including sign rules. She also answered questions relating to Ministry of Education designations such as the Westland High School.

Moved (Coll McLaughlin / Roche)

1. *That the information be received.*
2. *That the Committee provide feedback on the draft Rules for the Stadium Zone.*

Carried

Te Tai o Poutini Plan Draft Chapter Review – Commercial and Mixed Use Zones

L. Easton spoke to this report. She advised that maps are yet to be completed. L. Easton asked the meeting if they would like to have a workshop or would like to look at some development examples. She advised that these are very important rules as towns are in these zones.

The Chairman asked the meeting if they would like to take this to a future meeting. Mayor Gibson advised that GDC have discussed the provisions with staff at meetings and are happy.

Moved (Madgwick / Smith)

1. *That the Committee receive the report.*
2. *That the Committee provide feedback on the draft Commercial and Mixed-Use Zone provisions for Te Tai o Poutini Plan.*

Carried

Project Manager's Report

J. Armstrong spoke to her report and took it as read. She advised the committee that she is currently managing the planning and science teams at the West Coast Regional Council until a new manager is appointed.

The Chairman asked if the full draft of the Plan is due in December. J. Armstrong advised that the draft will be out for public feedback at the end of January and will have a couple of months to provide feedback. Targeted consultation will take place after the draft comes to committee on 16 December and is made public in late January.

The Chairman asked about the process for overlays and draft. A workshop prior to the next meeting will be held to discuss this.

J. Armstrong confirmed that consultation with landowners regarding SNA's is on hold at the moment.

Moved (Birchfield / Smith) *That the report is received.*

Carried

GENERAL BUSINESS

Notice of Motion.

The Chairman advised this is a revocation of a previous decision and therefore in accordance with Standing Orders this will come to the next meeting. Mayor Smith feels this was not moved before. J. Armstrong advised that the research was looking at private land, DOC and Stewardship land. Cr Latham stated if this is to be revoked then it would become a new motion. It was noted this Notice of Motion is not on the agenda for today's meeting. Cr Birchfield queried why this is not on the agenda as he gave a notice of motion. The Chairman advised that the notice of motion is loosely worded, and it is effectively a revocation of a previous decision of this committee. The Chairman advised that if this is to be properly brought forward, under Standing Orders, from section 24.3 on, that is when the notice of motion will be discussed. Cr Birchfield disagreed, but stated he will represent his proposal to next month's meeting. The Chairman encouraged Cr Birchfield to follow the detail of Standing Orders to ensure this is done correctly. Further discussion took place. P. Madgwick advised that if this matter is brought to next month's meeting then it is likely that the NPS for Indigenous Biodiversity could be available and this could change things. Cr Roche stated that if the Notice of Motion gets support to come to next month's meeting, then a report should come to the meeting with the Notice of Motion, with the legal opinion. She stated that the legal opinion has not been presented in any report, and this should be presented for public knowledge. Cr Roche stated that draft recommendations from staff need to be included in the covering report.

The meeting closed at 2.05 p.m.

The Chairman thanked everyone for their attendance.

NEXT MEETING

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Chairman

.....
Date

Meeting Dates for 2021

	Type of meeting	Day, Date and Time	Venue
September	In Person	Tuesday 28	West Coast Regional Council
October	In Person	Friday 29	Buller District Council
November	In Person	Tuesday 30	Te Tauraka Waka a Maui Marae
December	In Person	Thursday 16	Grey District Council



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee

Prepared by: Neil Selman, Acting Corporate Services Manager WCRC

Date: 28 September 2021

Subject: August 2021 Financial Report

SUMMARY

This report includes the statement of financial performance to 31 August 2021.

Costs generally tracked as expected with us reporting a deficit of (\$68,768) compared with a budgeted deficit of (\$116,121). This presents a favourable variance of \$47,352 for the month.

The accumulated deficit (or borrowing requirement) at the end of the period is \$251,878.

We have presented the ten year TTPP Fast Track Budget.

RECOMMENDATION

1. That the Committee receive the report
2. That the Committee gives approval for the Acting Chief Executive West Coast Regional Council to sign a contract with Pokeka Poutini Ngai Tahu Limited for \$50,000 for their input into TTPP development.

REPORT

1. The statement of financial performance shows that in August there were a number of minor timing variances resulting in an overall variance against budget of \$47,352.
2. Table 3 presents the ten-year budget in a statement of financial performance format. This highlights the front loading of the costs over the first few years of the project. The budget also sets out the expected legal costs over the course of the project.
3. As part of the 2021/22 budget we have included \$50,000 for Poutini Ngai Tahu to provide technical planning support, GIS identification of sites of significance to Maori and ongoing input into Poutini Ngai Tahu focused chapters in TTPP. A contract is being finalised with Pokeka Poutini Ngai Tahu Limited. Approval for the final contract to be signed by the Acting Chief Executive West Coast Regional Council is being sought.

Table 1

Statement of financial performance to August 2021						
	Year to date			Full year		
	Actual	Budget	Variance	Forecast	Budget	Variance
INCOME						
Targeted Rate	83,333	83,333	0	500,000	500,000	0
	83,333	83,333	0	500,000	500,000	0
EXPENDITURE						
Employee costs	43,461	41,667	(1,794)	270,000	250,000	(20,000)
Consultant Planner	10,417	16,667	6,250	100,000	100,000	0
Governance	9,553	10,833	1,280	65,000	65,000	0
Poutini Ngai Tahu	8,334	8,333	(1)	50,000	50,000	0
TTPP Website	0	0	0	5,000	5,000	0
Isovist e-plan Platform	1,806	1,806	(1)	10,833	10,833	0
Research	52,327	83,900	31,573	570,000	590,000	20,000
Engagement Travel & Accommod	1,204	2,000	796	15,000	15,000	0
Workshops & Events	0	0	0	3,000	3,000	0
Design & Printing	0	0	0	5,000	5,000	0
Media Costs	0	0	0	25,000	25,000	0
Mail Outs	0	0	0	20,000	20,000	0
Legal Advice	0	0	0	50,000	50,000	0
Hearings	0	0	0	0	0	0
Mediation	0	0	0	0	0	0
Environment Court	0	0	0	0	0	0
Interest	0	9,249	9,249	55,491	55,491	0
Share of WRC Overhead	25,000	25,000	0	150,000	150,000	0
	152,102	199,454	47,352	1,394,324	1,394,324	0
Net Surplus / (Deficit)	(68,768)	(116,121)	47,352	(894,324)	(894,324)	0

Table 2**Accumulated deficit / borrowing requirement**

Start of year	183,110	183,110
During period	68,768	894,324
End of period	251,878	1,077,434

Table 3**TTPP Fast Track Budget**

	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	29/31
Income		500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000
Fixed costs											
WCRC overheads		150,000	150,000	150,000	150,000	50,000	50,000	50,000	50,000	50,000	50,000
Employee cost		250,000	250,000	250,000	250,000	50,000	50,000	50,000	50,000	50,000	100,000
Consultant Planner		100,000	50,000	50,000	20,000	0	0	0	0	0	100,000
Governance		65,000	16,000	16,000	8,000	8,000	8,000	8,000	8,000	8,000	8,000
Poutini Ngai Tahu		50,000	50,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
TTPP website		5,000	10,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Isovist e-plan platform		10,833	10,833	10,833	8,000	8,000	8,000	8,000	8,000	8,000	8,000
		630,833	536,833	498,833	458,000	138,000	138,000	138,000	138,000	138,000	288,000
Variable costs											
Research		590,000	0	0	0	0	0	0	0	0	0
Engagement Travel & accom		15,000	5,000	3,000	500	500	500	500	500	500	500
Workshops & events		3,000	3,000	0	0	0	0	0	0	0	3,000
Design & printing		5,000	5,000	0	0	5,000	0	0	0	0	3,000
Media costs		25,000	15,000	5,000	2,500	5,000	0	0	0	0	0
Mail outs		20,000	20,000	0	0	0	0	0	0	0	0
Legal		50,000	0	50,000	0	0	0	0	0	0	0
Hearings		0	200,000	0	0	0	0	0	0	0	0
Mediation		0	0	50,000	50,000	0	0	0	0	0	0
Environment Court		0	0	0	0	100,000	0	0	0	0	0
		708,000	248,000	108,000	53,000	110,500	500	500	500	500	6,500
Funding costs											
Interest		55,491	50,423	45,254	75,883	65,676	55,264	44,645	33,813	22,764	11,495
Total costs		1,394,324	835,256	652,087	586,883	314,176	193,764	183,145	172,313	161,264	305,995
Net surplus / (deficit)		(213,000)	(894,324)	(335,256)	(152,087)	(86,883)	185,824	306,236	316,855	327,687	338,736
Accumulated (deficit)		(213,000)	(1,107,324)	(1,442,580)	(1,594,666)	(1,681,549)	(1,495,725)	(1,189,489)	(872,634)	(544,947)	(206,211)

Report to: Te Tai o Poutini Committee	Meeting Date: 28 September 2021
Title of Item: Privately owned land	
Report by: WCRC Chair Allan Birchfield	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this paper is to table two Motions regarding the identification of any areas of privately owned land as a Significant Natural Area and/or an Outstanding Natural Landscape in the Te Tai o Poutini Plan (the Plan).

Report Summary

The Te Tai o Poutini Plan Committee (the Committee) is drafting the Plan that will set the direction for the future of the West Coast. Currently to draft the Plan, areas that are considered Significant Natural Areas and Outstanding Natural Landscapes are being identified and designated as such, regardless of the ownership title of that land.

This paper seeks to have private land excluded from being designated as Significant Natural Areas and/or Outstanding Natural Landscapes in the Plan. Private land is land where the owner has fee simple title to the land.

Draft Recommendations

It is recommended that the Committee resolve to:

- Exclude all private land from Significant Natural Area identification and inclusion in the Te Tai o Poutini Plan; and
- Exclude all private land from Outstanding Natural Landscape identification and inclusion in the Te Tai o Poutini Plan.

Issues and Discussion

Background

At the November 2020 meeting the Committee resolved to contract Wildland Consulting to map the Significant Natural Areas (SNA) for inclusion in the Plan.

At the June 2021 meeting the Committee was presented with a desktop assessment of potential SNA on the West Coast. Some members of the Committee had concerns about the implications of the designated areas for private landowners and resolved not to receive the report.

During 2021 the Committee has also discussed the inclusion of designated Outstanding Natural Landscapes in the Plan based on work undertaken by Brown in 2013.

Current situation

Some members of the Committee have become increasingly concerned about the potential flow-on effect on private landowners if the Plan was to include areas of privately owned land that had been designated as a SNA and/or an Outstanding Natural Landscape.

With 84% of the West Coast land in Crown ownership, any restriction on areas of the remaining land could have a negative impact on the economic future of the region.



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee
Prepared by: Jo Armstrong, Project Manager
Date: September 2021
Subject: **Notice of Motion from Regional Council Chair Birchfield – Staff Advice**

SUMMARY

A notice of motion has been received from Regional Council Chair Birchfield. This report provides staff advice in relation to the matters covered by the notice of motion. This relates to the identification of significant natural areas and outstanding landscapes.

Legal advice on the matters has been provided and is attached to this paper.

It is the staff recommendation that the motions do not proceed, as staff consider they would be unlawful.

RECOMMENDATIONS

1. That the Committee receive the report.
2. That the motions proposed by Regional Council Chair Birchfield are denied.

Jo Armstrong
Project Manager

STAFF ADVICE

1. A notice of motions has been received from Regional Council Chair Birchfield.
2. It recommends that the Committee resolve to:
 - a. Exclude all private land from Significant Natural Area identification and inclusion in the Te Tai o Poutini Plan; and
 - b. Exclude all private land from Outstanding Natural Landscape identification and inclusion in the Te Tai o Poutini Plan.
3. Legal advice has been obtained from the resource management lawyers Wynn Williams and this is attached at Appendix One.
4. This advice is clear that the identification of significant natural areas and outstanding natural landscapes is a legal requirement for Te Tai o Poutini Plan and to not identify these would be unlawful.
5. The advice is also clear that no differentiation is able to be made between private and public land – and that to not identify significant natural areas and outstanding natural landscapes on private land is also unlawful.
6. In light of this clear legal advice staff recommend that Regional Council Chair Birchfield's motions be declined by the Committee.

NEXT STEPS

7. The legal advice also responds to other matters in relation to what sorts of activities could be able to occur in areas identified as significant natural areas and outstanding natural landscapes. The advice is clear that identification of these two types of areas does not preclude activity occurring on the properties, that there can be Permitted Activities as well as other activities that could be authorised by resource consent. Staff have taken this advice on board in relation to Te Tai o Poutini Plan development. There are two papers concurrently on this agenda which deal with these matters and what rules could be included in Te Tai o Poutini Plan.

REQUIREMENTS FOR OUTSTANDING NATURAL LANDSCAPES AND SIGNIFICANT NATURAL AREAS IN DISTRICT PLANS

1. We understand the Buller, Westland and Grey Districts are currently undergoing a joint district plan review process, with the intention being to create a combined district plan for the three districts, known as the Te Tai o Poutini Plan (**TTPP**).
2. The TTPP is being progressed by a joint committee (**Committee**), comprising representatives of Buller District Council, Grey District Council, Westland District Council, West Coast Regional Council, and iwi representatives.
3. We understand there has been significant debate around the requirements for the TTPP in relation to Outstanding Natural Landscapes (**ONLs**) and Significant Natural Areas (**SNAs**), and ecosystems and biodiversity provisions. To assist in determining the approach that the Committee should take to these matters, you have asked us a series of questions which we answer in detail below.
4. The purpose of this advice is to clearly set out the legal position for the committee in respect of the questions asked. The finer details will need to be resolved through the drafting of plan provisions and the section 32 analysis that will accompany the TTPP.

Executive summary

5. District planning documents such as the TTPP are required to be prepared in accordance with the provisions of Part 2 of the RMA and give effect to higher-order planning documents (such as the West Coast Regional Policy Statement (**WCRPS**)). Both outstanding natural landscapes and features are required to be “protected” under section 6 of the RMA, which the Environment Court has determined means to keep safe from harm, and essentially safeguard.
6. In summary, our answers to the questions you have asked are set out below:

Question	Our answer
Can the TTPP not include ONLs – or only include those where they are identified over DOC land?	<p>No, the TTPP must include ONLs. Identification of ONLs (and ONFs) is required in order to achieve the directives of the RMA, NZCPS and WCRPS. The Environment Court has previously held that it is mandatory to identify these areas, as otherwise it is not possible to protect the areas and values involved (as it is not clear what and where the areas are).</p> <p>The TTPP must include ONLs wherever they exist, regardless of whether they are on DOC land or otherwise. Whether an ONL exists must be determined without reference to who the landowner might be, or the potential intended use of the land.</p>
If the TTPP is required to include ONLs what might be a general minimum level of regulation that could be attached for them - i.e. could there be very	Once ONLs are identified, the TTPP must include rules or other methods to protect them from inappropriate subdivision, use and development by avoiding adverse effects (in the coastal environment), and protecting them from inappropriate subdivision, use and development in all other areas. The

<p>widespread permitted activities?</p>	<p>TTPP could have permitted activities provided that it still achieves these bottom lines.</p> <p>The level of protection is slightly higher in the coastal environment, so it is unlikely that it will be possible to have an extensive permitted activity regime in the coastal environment that also gives effect to the NZCPS and the WCRPS.</p> <p>Outside the coastal environment, the TTPP must give effect to the policies in the WCRPS (including those that list matters to be considered in determining whether an activity is appropriate). This may permit some activities, subject to particular parameters. By way of example it may be a permitted activity to build a farm shed in an ONL provided that it is only of a certain size, not located on a ridgeline and is a recessive colour. If the farm shed does not comply with these controls, resource consent would be required. Again, it is unlikely that widespread permitted activities could be justified (or survive any hearing process).</p>
<p>Can the TTPP not include SNAs in the TTPP?</p>	<p>No. The TTPP must include SNAs, identified in accordance with the significance criteria set out in the WCRPS. This is required to give effect to the WCRPS, as well as to protect the areas as required by Part 2 of the RMA. Previous Environment Court decisions have indicated that section 6(c) imposes a duty on the council to protect SNAs, which necessarily requires their identification and protection through a full suite of measures (including rules).</p>
<p>Can the TTPP only include SNAs where landowners are willing to allow the area to be identified as an SNA? Can the TTPP specifically exclude areas where landowners will not allow access from being included as an SNA?</p>	<p>No. The TTPP must identify SNAs wherever they exist by application of the criteria in the WCRPS, regardless of who owns the land. The TTPP would not be meeting its obligation to protect SNAs if it only identified SNAs on land where the landowners were willing to allow the SNAs to be identified, or exclude areas where landowners would not allow access.</p> <p>The TTPP is required to do all it can to protect SNAs. A desktop analysis of these areas has already taken place. The Committee should attempt to ground-truth this analysis where possible, but if not possible (say because landowner access is not granted) it is entitled to rely on the desktop analysis (being the best information before it on the presence of SNAs). We note that councils also have a power of entry under the RMA for survey purposes which could be utilised.</p>
<p>If no SNAs are identified and a general native vegetation clearance approach is undertaken, what might be a general minimum level of regulation that could be</p>	<p>We note that we consider this approach is not lawful, as the WCRPS requires identification of SNAs.</p> <p>If SNAs are identified in order to comply with the WCRPS a general vegetation clearance approach is technically possible. However, it has two key limitations:</p>

<p>attached for native vegetation clearance, i.e. could there be very widespread permitted activities?</p>	<ul style="list-style-type: none"> - It would require a necessarily cautious approach to all vegetation clearance so as to ensure where clearance does affect SNAs those SNAs are protected; - It will generally be more restrictive than applying specific rules to SNAs as this level of caution may not be warranted in other areas. <p>It is unlikely that a widespread permitted activity regime would be permissible and also achieve protection of SNAs. However, a workable framework can be developed that still allows some activities that would not damage SNAs, and allow the council to consider (through resource consents) other activities on a case-by-case basis according to the risk they present. This means that consents can still be granted for some activities within an SNA.</p> <p>We note that protection of significant habitats of indigenous fauna is also required, which may not be achieved by simply relying on vegetation clearance rules.</p>
<p>Would identifying SNAs on a large scale map (i.e. A4 for the whole West Coast) but having general native vegetation clearance rules be sufficient to meet requirements to identify SNAs?</p>	<p>Identifying SNAs on a large-scale map could be appropriate, provided that it is sufficiently clear for plan users to be able to understand whether they are undertaking an activity located in a SNA. However, we question the utility of identifying SNAs and not providing rules specifically to restrict activities in those areas. Rules are an important aspect of the suite of potential controls.</p> <p>General indigenous vegetation rules would need to meet the high thresholds required for “protecting” the areas. For the reasons outlined above, we consider general indigenous vegetation clearance rules that would be sufficient to meet the requirements to identify SNAs, or to protect the areas under section 6(c) would potentially be very onerous on other vegetation clearance. Vegetation clearance provisions alone would not meet the requirements of the RMA.</p>

7. We note also that the consequence of identifying an area as an SNA or ONL does not automatically mean that all activities within them are prohibited or that people can't do anything with their land. This was addressed in the *New Plymouth* case, where the Court noted perceptions that SNAs were untouchable and identification of them was equivalent to property theft overstated the effect of rules.¹ The Court noted in that case that the rules meant that undertaking works, removal of vegetation or disturbance of land was a restricted discretionary activity, not prohibited (i.e. resource consent could be obtained to clear vegetation in an SNA).
8. This means that for the TTPP there may be some permitted activities within SNAs and ONLs. Where activities are not permitted by the plan, people can apply for resource

¹ *Royal Forest and Bird Protection Society of New Zealand Inc v New Plymouth District Council* [2015] NZEnvC 219, at [94].

consents to do certain things and the Council can assess whether the activities are appropriate for the location. This means that some activities will still be able to be granted resource consents, even though they are in an SNA or ONL.

9. In addition, rules are only one part (albeit a necessary and important part) of the potential management approach and rules are within the control of the Committee. Offsetting effects is also a potential approach that could be investigated for activities requiring resource consent. Incentives such as rating relief, support with covenancing, pest control, fencing can be highly effective in protecting SNAs. While it is not possible for the TTPP to impose on the individual Councils a requirement to provide these kind of financial incentives, it may be that over time, that Councils budget for these types of incentives or the Government recognises that more needs to be done in this space.
10. If the Committee decides not to identify / include ONLs and SNAs, we consider it will be in breach of its duty under the RMA to give effect to superior documents, as well as the requirement to protect these areas under section 6 of the RMA. In our view, a failure to include these provisions in the draft / notified plan will result in legal proceedings in the Environment Court against the TTPP (either by appeal or declaration). Environment Court processes are costly. In order to participate, parties must pay a filing fee and join the proceeding. There is also an expectation that parties will produce expert evidence in support of their position. By contrast, the Committee's hearing process will be inclusive and accessible to all members of the community. There are no fees to pay in order to participate and anyone is able to come to the hearing and present their views (expert or otherwise).
11. If the Committee does not undertake the mapping/identification process itself and engage in this conversation with the community through its draft plan and hearing process, then the Environment Court area will identify the areas required to be protected. It will also determine the rules that apply to activities within SNAs and ONLs. We understand this is a similar process that occurred with significant wetlands in the Regional Plan, which had the effect of catching many landowners unaware of the restrictions that were imposed on their land (rather than being aware at the outset and being able to engage in the Council process).
12. There is also a reputational risk for the Committee and the Councils it represents. Given that the process the TTPP is following is similar to that which has been proposed through the upcoming resource management reforms we anticipate that much of the country will be watching this process to examine how it works in practice, and decisions may be made based on the process' success or failure. Failing to give effect to higher order documents and breaching a duty under the RMA could damage the reputations of councils involved with the TTPP, and could cast doubt on the ability of district councils and regional councils to work together to achieve quality planning outcomes.
13. Financially, there may also be consequences for the councils involved if the approach taken is in breach of the duties under the RMA. This may involve substantial legal fees and the award of costs against the councils involved on any Environment Court appeals, as has occurred in previous cases.
14. We consider the most mutually beneficial approach is to signal in a draft / notified plan areas that may be identified as SNAs or ONLs, to enable landowners to present any relevant information and contribute fully in the Committee's process. We consider this

is preferable to not including any SNAs or ONLs, as this may set unrealistic expectations for landowners that none will be identified in the TTPP.

15. Our detailed advice follows in **Appendix 1**.

Conclusion

16. For the above reasons, we consider that the TTPP is required to identify and/or map ONLs and SNAs. A failure to do so could have significant consequences (both financially and reputationally) for the councils involved and their communities.
17. We trust our advice assists. Please do let us know if you have any further questions, or would like to discuss.

Wynn Williams



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee
Prepared by: Lois Easton, Principal Planner
Date: September 2021
Subject: **Technical Update – Ecosystems and Indigenous Biodiversity draft Rules**

SUMMARY

This report gives an update on the technical work being undertaken on ecosystems and indigenous biodiversity and discusses how these could be managed through Te Tai o Poutini Plan.

The report outlines draft Rules for Ecosystems and Indigenous Biodiversity.

RECOMMENDATIONS

1. That the Committee receive the report.
2. That the Committee provide feedback on the draft Rules for Ecosystems and Indigenous Biodiversity.

Lois Easton
Principal Planner

INTRODUCTION

1. The management of natural heritage matters (ecosystems, landscape, natural features, natural character and the coastal environment) are mandatory matters that need to be addressed in Te Tai o Poutini Plan (TTPP).
2. As part of its implementation of Section 6 (Matters of National Importance) of the Resource Management Act (RMA), Te Tai o Poutini Plan is required to:

*"recognise and provide for the following matters of national importance:
...(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:..."*

And

*"have particular regard to—
...(a) kaitiakitanga:
...(aa) the ethic of stewardship:..
... (d) intrinsic values of ecosystems:..."*

3. At the July 2021 meeting of the Committee draft Objectives and Policies for Ecosystems and Biodiversity were discussed. Amended draft Objectives and Policies are attached at Appendix One.
4. The usual approach used across New Zealand to meet these requirements, is to survey the ecological values of a district. Through this survey, assessment of native vegetation is undertaken, and significant natural areas (SNAs) are identified, with specific Objectives, Policies and Rules included in the District Plan.
5. At the June 2021 meeting of the Committee, a report into the preliminary desk top assessment of "potential" SNAs was presented, and the Committee resolved not to receive the report.
6. The Committee also resolved to progress an approach of "general" vegetation clearance provisions for Te Tai o Poutini Plan. This is the current approach in the Buller and Westland Plans.
7. Legal advice on the requirements around indigenous biodiversity and rules was provided to the Committee at a workshop prior to the meeting. This advice is attached to a companion report on this agenda however in summary as relates to this paper:
 - a. Rules are required to protect significant indigenous biodiversity;
 - b. These Rules need to apply to private land as well as other land on the West Coast;
 - c. These Rules need to protect significant indigenous biodiversity, they are not able to be so enabling that the Resource Management Act (RMA) requirements will not be met.
8. In developing draft Rules for Ecosystems and Indigenous Biodiversity a range of matters have been considered. These are outlined in Appendix Two.

DRAFT RULES FOR ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

9. The draft Objectives, Policies and Rules have been developed in light of the current statutory framework.
10. Once the National Policy Statement for Indigenous Biodiversity (NPSIB) is made available, then a review of all draft provisions will be brought back to the Committee, with any implications and recommendations for the draft provisions outlined in the report.
11. In order to progress the development of the Plan in a timely manner, work has been undertaken on provisional draft Rules. The Rules have been developed based on a combination of the Buller and Westland current Rules. In Grey, as SNAs are currently in place, the Rules are substantially different as all vegetation clearance outside of SNAs, Riparian Areas and Outstanding Landscapes are a Permitted Activity.
12. The full draft Rules are provided in Appendix Three.

Permitted Activities

13. The current Westland and Buller District Plans utilise an area-based approach to Permitted Activities. This is the approach proposed within the draft TTPP rules, but combined with an activity-based approach to provide some additional certainty for landowners and infrastructure providers as well as to enable efficiency of administration by not regulating matters where consent is certain to be granted.

14. Draft Permitted Activities are proposed as follows:

Indigenous vegetation clearance where this is for the following activities:

- a. The maintenance and repair of tracks, fences, structures, buildings, network utilities, natural hazard mitigation activities or existing farm drains;
- b. To prevent a serious threat to people, property, structures or services;
- c. To ensure the safe and efficient operation of any formed public road, rail corridor or access;
- d. For the construction of new fences and traplines;
- e. To upgrade or create new public walking or cycling tracks
- f. To comply with section 43 of the Fire and Emergency Act 2017;
- g. For construction or operation of an above ground network utility lines and cables or the national grid;
- h. Clearance for building, access, parking and manoeuvring areas where there is no alternative development area on the site;
- i. Customary harvest undertaken by Poutini Ngāi Tahu;
- j. It is within an area subject to a Covenant/ Ngā Whenua Rahui Kawaneta and the vegetation disturbance is authorised by that legal instrument.

15. In addition to these general activity - based Permitted Activities, it is also proposed that indigenous vegetation clearance be Permitted in the following circumstances:

- On Māori Purpose Zoned land and undertaken in accordance with an Iwi/Hapū Management Plan [this is consistent with the approach in the rest of TTPP]
- Removal or clearance of manuka, kanuka and bracken under 15 years old to a maximum 5ha per site per three year period [this is a current Buller Rule];
- Clearance of 5000m² per site per three year period [this is a current Buller Rule]

16. Activities requiring resource consent are summarised in the table below and compared to the current plans. This proposes a more tiered (and consequently less onerous) approach than the current Westland Plan in particular, recognising the work done to identify areas of important values through the overlays means that areas which are less important can require a less onerous consent process.

Activity	Resource Consent Requirement	Comparison with Current Buller and Westland Plans
Clearance in accordance with an approved plan or permit issued under the Forests Act 1949	Controlled Activity	Westland Discretionary - no specific provision – would be a Discretionary Activity Buller – Restricted Discretionary
Clearance where not in an Outstanding Natural Landscape/Feature	Restricted Discretionary Activity	Buller and Westland Discretionary Activity [no specific provision as Outstanding Natural Landscapes/Features not identified]
Clearance in an Outstanding Natural Landscape/Feature	Discretionary Activity	Buller and Westland Discretionary Activity

		[also a Discretionary Activity in Grey District]
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NEXT STEPS

17. Feedback from the Committee on the draft Rules is sought. The next step is to consider any implications of the exposure draft NPSIB. It is expected that a further report on the Ecosystems and Biodiversity approach in the plan will be brought back to the Committee depending on the timing of the exposure draft being released.

Appendix One: Draft Objectives and Policies for Indigenous Biodiversity

Draft Objective 1: To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna on the West Coast.

Draft Objective 2: To provide for 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.

Draft Objective 3: 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 on Poutini Ngāi Tahu land.

Draft Objective 4: To maintain the current range and diversity of ecosystems and indigenous species found on the West Coast.

Draft Policy 1: Areas of significant indigenous vegetation and fauna habitat will be identified when applications are made for resource consents.

Draft Policy 2: Provide for subdivision, use and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna where:

- a. This is a lawfully established activity; or
- b. This is undertaken on Poutini Ngāi Tahu land in accordance with an Iwi Management Plan; or
- c. The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat.

Draft Policy 3: Encourage the protection, enhancement and restoration of significant indigenous biodiversity by:

- a. Allowing additional subdivision rights if an area of significant indigenous vegetation or significant habitat of indigenous fauna within the same property is legally protected as part of the subdivision;
- b. Promoting the creation of connections and ecological corridors between areas of significant indigenous biodiversity;
- c. Promoting the use of eco-sourced species from the relevant ecological district;
- d. Supporting opportunities for Poutini Ngāi Tahu to exercise their customary rights responsibilities as mana whenua and kaitiaki in restoring, protecting and enhancing areas of significant indigenous biodiversity; and
- e. Supporting initiatives by landowners, community groups and others to protect, restore and maintain areas of significant indigenous biodiversity.

Draft Policy 4: Provide for eco-tourism and recreation activities that complement the protection and/or enhancement of areas of significant indigenous vegetation or significant habitats of indigenous fauna and contribute to the vitality and resilience of the District's economy and wellbeing of the community.

Draft Policy 5: Enable the use of Māori Purpose Zoned land with areas of indigenous vegetation and indigenous fauna habitat where land use and subdivision is consistent with tikanga and mātauranga Māori and minimises adverse effects on any significant values of the vegetation or fauna habitat.

Draft Policy 6: When assessing resource consents for subdivision, use and development in areas of significant indigenous vegetation or significant habitats of indigenous fauna, consider the following matters:

- a. Whether formal protection and active management of all or part of any area of significant indigenous vegetation or habitat will occur as part of the subdivision, use or development;
- b. The impact of the activity on the values of any significant indigenous vegetation or habitat, and how any potential impact could be minimised;

- c. The extent to which the proposed activity recognises and provides for Poutini Ngāi Tahu cultural and spiritual values, rights and interests;
- d. The cumulative effects of activities within or adjacent to any areas of significant biodiversity;
- e. Whether the activity will prevent an indigenous species or community being able to persist within their natural range in the Ecological District;
- f. The impact of the activity on the threat status or proportion of indigenous cover in land environments in category one or two of the Threatened Environment Classification;
- g. Whether the activity will or is likely to result in a reasonably measurable reduction in the local population of threatened taxa in the Department of Conservation Threat Categories 1 – 3a -nationally critical, nationally endangered and nationally vulnerable;
- h. The effects the activity may have on the introduction or spread of exotic weed species and pest animals both terrestrial and aquatic; and
- i. The appropriateness of any biodiversity offsetting or compensation in accordance with Policy 7 to offset any residual adverse effects that remain after avoiding, remedying and mitigating measures have been applied.

Draft Policy 7: Maintain indigenous habitats and ecosystems across the West Coast by:

- a. Maintaining and, where appropriate, enhancing or restoring the functioning of ecological corridors, linkages, dunes and indigenous coastal vegetation and wetlands;
- b. Minimising adverse effects on and providing access to areas of indigenous biodiversity which is significant to Poutini Ngāi Tahu;
- c. Restricting the modification or disturbance of coastal indigenous vegetation, dunes, estuaries and wetlands; and
- d. Recognising the benefits of active management of indigenous biodiversity, including voluntary pest and stock control and/or formal legal protection.

Draft Policy 8: Provide for biodiversity offsets and compensation to manage residual adverse effects of an activity where:

- a. The goal of the biodiversity offsets is no net loss and, preferably, a net gain of biodiversity;
- b. The conservation outcomes are measurable and positive; and
- c. The biodiversity offsets or compensation are in accordance with best practice, including but not limited to NZ Government guidance on biodiversity offsetting.

Appendix Two: Analysis of Key Policy and Drivers for Management of Ecosystems and Indigenous Biodiversity

BACKGROUND

1. The West Coast region has a land area of 2,300,000 ha with the Department of Conservation managing 1,912,000 ha or 84% of this land leaving approximately 388,000 ha (16%) of land on the West Coast not under their management. In addition, there is roughly 40,647 km of streams and rivers in the region, of which 33,094 km (81%) are in Department of Conservation managed lands. In a national context, one quarter of New Zealand's protected land, and 10% of the total length of rivers in New Zealand, is located on the West Coast. Compared to other regions, the West Coast is rich in its level of remaining indigenous biological diversity.

National Direction

2. As part of its implementation of Section 6 (Matters of National Importance) of the Resource Management Act (RMA), Te Tai o Poutini Plan is required to:

*"recognise and provide for the following matters of national importance:
..(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:..."*

And

*"have particular regard to—
...(a) kaitiakitanga:
...(aa) the ethic of stewardship:
... (d) intrinsic values of ecosystems:..."*

3. There is substantial case law which has been established around implementation of these provisions under the RMA, with the "King Salmon" decision in relation to Section 6 matters being particularly useful. Probably the key matters to note for consideration around developing policy for this area is:
 - "Give effect to" means "implement"
 - "avoid" means "not allowing"

National Policy Statement for Indigenous Biodiversity

4. A draft National Policy Statement for Indigenous Biodiversity (NPSIB) was developed for consultation in 2020. An "exposure draft" of the final NPSIB is expected in August and it is expected to take effect in December 2021.
5. It is unknown what will be in the final NPSIB. The TTPP project manager and principal planner met with central government staff working on the NPSIB to talk through the implications for TTPP and what might change. Central government staff were clear that they would not recommend any "carve out" provisions for the West Coast – or in fact address many of the issues raised in the West Coast Regional Council Submission.
6. In drafting potential Objectives, Policies and Rules for Te Tai o Poutini Plan, these will need to be reviewed in light of the final NPSIB provisions.

REGIONAL DIRECTION

7. TTPP is required to "give effect to" (i.e., implement) the West Coast Regional Policy Statement 2020 (RPS). Chapter 7 Biodiversity sets the requirements for Te Tai o Poutini Plan. The provisions in the RPS are notably protective of biodiversity and this therefore is a key requirement for TTPP. Key policy provisions to consider are as follows:

*Policy 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 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.

Policy 7. Provide for subdivision, use or development within land areas or water bodies containing indigenous biological diversity that does not meet any of the significance criteria in Appendix 1 or 2, by:

- a. Allowing activities with no more than minor adverse effects;
- b. Avoiding, remedying or mitigating more than minor adverse effects;
- c. Where there are significant residual adverse effects, considering any proposal for indigenous biological diversity offsetting or compensation.

CURRENT DISTRICT PLAN PROVISIONS

8. The three District Plans all contain provisions aimed at specifically protecting significant indigenous vegetation and habitats of indigenous fauna. These are outlined in the table below:

Buller	Grey	Westland
<ul style="list-style-type: none"> • Objective and detailed policy framework. • Detailed and comprehensive rule framework for different vegetation types of Permitted, Controlled, Restricted Discretionary and Discretionary Activity rules for indigenous vegetation clearance <p>Permitted Activities:</p> <ul style="list-style-type: none"> • Clearance of native vegetation 0.5ha/site/3 years • Except manuka/kanuka/bracken 5ha/site/3 yrs <p>Controlled Activities:</p> <ul style="list-style-type: none"> • Clearance of native vegetation up to 5 ha/site/3 years <p>Restricted Discretionary Activities</p> <ul style="list-style-type: none"> • Indigenous forestry in accordance with the Forests Act 	<ul style="list-style-type: none"> • Objective and detailed policy framework • Rule framework in rural zone focussed on the expectation of the SNA identification process being undertaken and this has now occurred. • Discretionary Activity to clear indigenous vegetation within an SNA and riparian area. • Impacts of activities on SNAs considered part of many resource consent assessments <p>Permitted Activities:</p> <ul style="list-style-type: none"> • Clearance of native vegetation outside of SNAs <p>Discretionary Activities:</p> <ul style="list-style-type: none"> • Native vegetation clearance in an SNA 	<ul style="list-style-type: none"> • 3 Objectives and detailed policy framework. • Rule framework in rural zone • Discretionary Activity rules for indigenous vegetation clearance <p>Permitted Activities</p> <ul style="list-style-type: none"> • Clearance of native vegetation 2000m²/5 years where contiguous with DOC land or a block greater than 5ha • Clearance of any native vegetation block less than 5ha in size <p>Discretionary Activities:</p> <ul style="list-style-type: none"> • All other native vegetation clearance

<ul style="list-style-type: none"> Indigenous veg clearance >5ha/site/ 3 years <p>Discretionary Activity</p> <ul style="list-style-type: none"> indigenous forestry logging for milling other than under the Forests Act 		
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OTHER COUNCIL APPROACHES

9. A review of how other Councils who have used a “general vegetation clearance” approach in recent plans has been undertaken. Hurunui District (plan operative 2018) and the Opotiki district (plan operative 2020) are the two examples of recent plans not to include specific identification of SNAs.
 - These plans have more restrictive rules for general vegetation clearance (Discretionary and Non-complying) compared with older plans that have more Permitted, Controlled and Restricted Discretionary Activities.
 - 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.

Appendix Three: Draft Rules for Ecosystems and Indigenous Biodiversity

Permitted Activities

ECO - R1 All Zones: Indigenous vegetation clearance and disturbance

Activity Status Permitted

Where:

1. It is necessary for one of the following purposes:
 - i. The maintenance and repair of tracks, fences, structures, buildings, network utilities, natural hazard mitigation activities or the maintenance of existing farm drains;
 - ii. To prevent a serious threat to people, property, structures or services;
 - iii. To ensure the safe and efficient operation of any formed public road, rail corridor or access;
 - iv. For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals;
 - v. To upgrade or create new public walking or cycling tracks up to 2.5m in width undertaken by the Council or its approved contractor;
 - vi. To comply with section 43 of the Fire and Emergency Act 2017;
 - vii. For construction or operation of an above ground network utility or the national grid;
 - viii. For establishment or operation of below ground utility lines and cables where the construction corridor does not exceed 2m in width; or
 - ix. It is clearance for building, access, parking and manoeuvring areas where there is no alternative development area on the site; or
2. It is the removal or clearance of manuka, kanuka and bracken only, which is under 15 years old not exceeding 5ha per site over any continuous three year period, subject to provision of notice to the relevant District Council at least 20 working days prior to the proposed clearance including:
 - i. Details of the location of the proposed clearance;
 - ii. Dimensions of the proposed clearance; and
 - iii. Verification by documentary, photographic or other means that the vegetation is less than 15 years old; or
3. It is customary harvest undertaken by Poutini Ngāi Tahu; or
4. It is on Māori Purpose Zoned land and undertaken in accordance with an Iwi/Hapū Management Plan; or
5. It is within an area subject to a QEII National Trust Covenant or Ngā Whenua Rahui Kawaneta, a Reserves or Conservation Act covenant or a Heritage covenant under the Heritage New Zealand/Pouhere Taonga Act and the vegetation disturbance is authorised by that legal instrument; or
6. It is a maximum area of 5000m² per site, in total, over any continuous three year period.

Advice Note:

1. Where indigenous vegetation clearance is proposed within the Coastal Environment or Riparian Margins refer to these sections of the Plan for the Rules around this clearance.
2. Where indigenous vegetation clearance is proposed within a wetland this is also be subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council.

Activity status where compliance not achieved:
Restricted Discretionary

Controlled Activities	
ECO - R2	Indigenous vegetation clearance or disturbance where this is in accordance with an approved plan or permit issued under the Forests Act 1949
<p>Activity Status Controlled Where:</p> <ol style="list-style-type: none"> 1. The indigenous vegetation clearance and disturbance is in accordance with an approved Sustainable Forest Management Plan or permit or personal use approval issued by the Ministry for Primary Industries under the Forests Act 1949; and 2. The indigenous vegetation clearance is not located in an area of land environment of category one or two of the Threatened Environment Classification. <p>Matters of control are:</p> <ol style="list-style-type: none"> a. The matters outlined in Policy ECO - P6; b. The protection of habitats of threatened or at risk species; c. Compliance with the terms of an approved Sustainable Forest Management Plan or permit or personal use approval issued by the Ministry for Primary Industries under the Forests Act 1949; and d. The measures to avoid, remedy, or mitigate any adverse effects on the significant indigenous vegetation and significant habitats of indigenous fauna. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
ECO - R3	Subdivision of land solely to create an allotment exclusively for an area of significant indigenous vegetation or significant fauna habitat, or an Open Space Covenant under the Queen Elizabeth II National Trust Act 1977, a Nga Whenua Rahui Kawenata, a Conservation Covenant under the Reserves Act 1977 and the Conservation Act 1987 or a Heritage covenant under the Heritage New Zealand - Pouhere Taonga Act 2014
<p>Activity Status Controlled</p> <p>Matters of control are:</p> <ol style="list-style-type: none"> a. Allotment size and shape and the ongoing protection of the area of significant biodiversity or land subject to a covenant; b. Fencing and other measures to ensure the ongoing maintenance or protection of the area of significant biodiversity or land subject to a covenant; and c. The provision of legal and physical access to the area of significant biodiversity and its ongoing maintenance. 	<p>Activity status where compliance not achieved: Not applicable</p>
ECO - R4	Subdivision of land containing areas of significant indigenous vegetation or habitats of significant fauna
<p>Activity Status: Controlled Where:</p> <ol style="list-style-type: none"> 1. One allotment with a minimum lot size of 4,000m² is created from the parent title, provided there is a balance area remaining from the Record of Title subject to subdivision of at least 4 ha; 2. The area of significant indigenous vegetation and/or significant habitat of indigenous fauna is legally protected in perpetuity by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977; 3. The subdivision will not result in buildings being located within 20 metres of the identified area of significant 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

<p>indigenous vegetation and/or significant habitat of indigenous fauna; and</p> <p>4. All subdivision standards (insert link) are complied with.</p> <p>Matters of control are:</p> <p>a. The provision of an ecological management plan to ensure the ongoing management of the covenant area and that the area of significant indigenous vegetation and/or significant indigenous fauna is self-sustaining, which addresses as a minimum:</p> <ul style="list-style-type: none"> i. Fencing requirements for the covenant area; ii. Ongoing pest plant and animal control; and iii. Any enhancement or edge planting requirements within the covenant area. <p>b. Subdivision layout, design, location and proximity of building platforms to areas of significant indigenous vegetation or significant habitat of indigenous fauna;</p> <p>c. Management of earthworks, including earthworks for the location of building platforms and access ways;</p> <p>d. The protection of habitats of threatened or at risk species; and</p> <p>e. The measures to minimise any adverse effects on:</p> <ul style="list-style-type: none"> i. The significant indigenous vegetation and/or significant habitats of indigenous fauna; ii. The cultural significance to Poutini Ngāi Tahu; and iii. On rural character and amenity values. 	
Restricted Discretionary Activities	
ECO - R5	Indigenous vegetation clearance not meeting Rule ECO - R1
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. This is not within an Outstanding Natural Landscape or Outstanding Natural Feature. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Effects on habitats of any threatened or protected species; 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; and f. The matters outlined in Policy ECO - P6. <p>Advice Note:</p> <ol style="list-style-type: none"> 1. Where indigenous vegetation clearance is proposed within the Coastal Environment or Riparian Margins refer to these sections of the Plan for the Rules around this clearance. 2. Where indigenous vegetation clearance is proposed within a wetland this is also be subject to rules within the NES - Freshwater which is administered by the West Coast Regional Council. 	<p>Activity status where compliance not achieved: Discretionary</p>
ECO - R6	Subdivision of land containing areas of significant indigenous vegetation or habitats of significant fauna not meeting Rule ECO - R4
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Two to three allotments with a minimum lot size of 4,000m² is created from the parent title, provided there is a balance area 	<p>Activity status where compliance not achieved: Discretionary</p>

<p>remaining from the Record of Title subject to subdivision of at least 20 ha;</p> <ol style="list-style-type: none"> 2. The significant indigenous vegetation and/or significant habitat of indigenous fauna is legally protected in perpetuity by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977; 3. The subdivision will not result in buildings being located within 20 metres of the identified significant indigenous vegetation and/or significant habitat of indigenous fauna; and 4. All subdivision standards (insert link) are complied with. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. The extent to which an ecological management plan will ensure the ongoing management of the covenant area and that the significant indigenous vegetation and/or significant habitat of indigenous fauna will be self-sustaining, which addresses as a minimum: <ol style="list-style-type: none"> i. fencing requirements for the covenant area; ii. ongoing pest plant and animal control; and iii. any enhancement or edge planting requirements within the covenant area. b. The extent to which the subdivision layout, allotment size and design and the location of building platforms may adversely impact the significant indigenous vegetation and/or significant habitat of indigenous fauna. c. Management of earthworks including earthworks for the location of building platforms and access ways. d. The protection of habitats of threatened or at risk species. e. The measures to minimise any adverse effects on: <ol style="list-style-type: none"> i. the significant indigenous vegetation and/or significant habitats of indigenous fauna; ii. the particular cultural, spiritual and/or heritage values, interests or associations of importance to Poutini Ngāi Tahu as kaitiaki and mana whenua that are associated with the significant indigenous vegetation and/or significant habitats of indigenous fauna and the potential impact on those values, interests or association; and iii. rural character and amenity values 	
Discretionary Activities	
ECO - R7	Indigenous vegetation clearance not meeting Rule ECO – R5
Activity Status Discretionary	Activity status where compliance not achieved: N/A
ECO - R8	Subdivision of land containing areas of significant indigenous vegetation or habitats of significant fauna not meeting Rule ECO - R6
<p>Activity Status Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Up to four allotments with a minimum lot size of 4,000m² are created from the parent title, provided there is a balance area remaining from the Record of Title subject to subdivision of at least 20 ha; and 2. The significant indigenous vegetation and/or significant habitat of indigenous fauna is legally protected in perpetuity by way of a conservation covenant pursuant to the Reserves Act 1977, or the Queen Elizabeth II National Trust Act 1977, and 	Activity status where compliance not achieved: Non-complying

<p>3. The subdivision will not result in buildings being located within 20 metres of the identified significant indigenous vegetation and/or significant habitat of indigenous fauna; and</p> <p>4. All Subdivision Standards (insert link) are complied with.</p>	
Non-complying Activities	
ECO - R9	Subdivision of land within an area of significant indigenous vegetation or habitat of significant fauna not meeting Rule ECO - R8
Activity Status Non-complying	Activity status where compliance not achieved: Not applicable
ECO - R10	Planting of Plant Pests identified in a West Coast Regional Pest Management Plan within an area of significant indigenous vegetation or habitat of significant fauna
Activity Status Non-complying	Activity status where compliance not achieved: Not applicable
ECO - R11	The intentional release or farming of Animal Pests identified in a West Coast Regional Pest Management Plan within an area of significant indigenous vegetation or habitat of significant fauna
Activity Status Non-complying	Activity status where compliance not achieved: Not applicable



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Technical Advisory Team
Prepared by: Lois Easton, Principal Planner
Date: September 2021
Subject: **Technical Update Outstanding Landscapes and Outstanding Natural Features**

SUMMARY

This report gives an update on work being undertaken in relation to Outstanding Natural Landscapes and Outstanding Natural Features in Te Tai o Poutini Plan.

The report brings proposed draft Rules to the Committee for feedback.

RECOMMENDATIONS

1. That the Committee receive the report
2. That the Committee provide feedback on the Rules for Outstanding Natural Landscape and Outstanding Natural Features in Te Tai o Poutini Plan.

Lois Easton

Principal Planner

INTRODUCTION

1. At the June meeting of the Committee the objectives and policies for outstanding natural landscape (ONLs) and outstanding natural features (ONFs) was discussed, and feedback provided by the Committee. Amended Objectives and Policies are attached at Appendix One.
2. The management of natural environment matters (ecosystems, landscape, natural features, natural character and the coastal environment) are mandatory matters that need to be addressed in Te Tai o Poutini Plan (TTPP).
3. The focus is on protecting the values, processes and features that define these matters, recognising that change and development can be accommodated and that the greatest priority for protection is those identified priority areas in the Coastal Environment.

CONTEXT FOR DEVELOPMENT OF DRAFT RULES

4. There are a number of key matters considered in developing the approach to these matters for Te Tai o Poutini Plan. An analysis of the key policy context and drivers is included in Appendix Two.
5. Vegetation modification, buildings and earthworks are the principal matters which impact on landscape and natural feature values. However, landscape impacts are often more easily able to be mitigated (e.g. with planting) – or potentially offset than may be the case of impacts on other natural environment matters.
6. As with other s6 matters, Section 6 (e) - recognising and providing for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga also applies and has equal status.

Location of Outstanding Natural Features and Outstanding Natural Landscapes

7. Work undertaken in 2013 by Brown Ltd identified Outstanding Natural Landscapes on the West Coast.
8. Staff at the three District Councils have reviewed the boundaries and queried the current "Outstandingness" in some locations. A review of the boundaries for the queried areas is currently underway.
9. In terms of Outstanding Natural Features, the Geoscience Society of NZ Best Practice Guide is being applied to assess the features identified in the Geopreservation Inventory. Initially staff proposed that areas identified as "outstanding" are those areas of international and national significance, however after a more detailed review of the topic, staff recommend that only areas of international significance be identified as "outstanding". The full draft schedule is attached at Appendix Four.

DRAFT RULES

10. In relation to landscape the issues being managed are visual effects – so earthworks, structures and vegetation clearance are the main issues to manage.
11. In relation to natural features, it's primarily earthworks and structures which impact on these.
12. The draft rules address earthworks and structures only. That is because the vegetation clearance provisions will be dealt with in the Ecosystems and Biodiversity rules (subject to another paper on this agenda) with cross references so that we don't have two sets of rules for vegetation clearance.
13. The draft Rules include, for landowner certainty, a list of activities that are explicitly Permitted, as well as an earthworks volume that doesn't require a resource consent.
14. Draft Permitted Activities are as follows:
 - Maintenance and repair of lawfully established buildings, structures, network utilities, fence lines, drains, roads, railway and tracks including associated earthworks
 - Conservation Activities
 - Natural hazard mitigation activities not modifying an ONF
 - Demolition and removal of structures
 - Additions and alterations to buildings and structures – max height 5m

- Other earthworks where cut and fill depth <1m to max
- Poutini Ngāi Tahu Activities and other Māori Purpose Activities in accordance with an Iwi Management Plan
- New fences and stock water reticulation
- Parks facilities and parks furniture in any Open Space Zone
- New buildings and structures for Network utilities –including connections
- New buildings and structures for Agricultural pastoral and horticultural activities – max 5m height and 100m² floor area
- Earthworks of 500m³/year/site not modifying an ONF

15. Activities requiring resource consent are summarised in the table below. The full draft rules are contained in Appendix Three.

Activity	Resource Consent Requirement
Natural hazard mitigation activities not Permitted	Controlled Activity where no ONFs destroyed Non-Complying where destroys an ONF
Māori Purpose Activities not provided for in an Iwi Management Plan	Restricted Discretionary Activity where on a Māori Purpose Zone
Earthworks not Permitted	Restricted Discretionary Activity for <ul style="list-style-type: none"> i. Walking/cycling tracks; ii. Roads, farm tracks or fences; iii. Installation of network utility infrastructure; or iv. Establishment of a building platform and access to a building site in an approved subdivision or for a dwelling where there is no existing residential dwelling on the property; v. Protection of infrastructure from natural hazards Otherwise Discretionary Non-complying to destroy an Outstanding Natural Feature
Buildings and Structures not Permitted	Restricted Discretionary Activity for <ul style="list-style-type: none"> • additions and accessory buildings • buildings on an approved subdivision plan or where there is no dwelling currently located on the site • network utilities • buildings for agricultural pastoral or horticultural activities and conservation activities • buildings for a recreational activity in an Open Space Zone Otherwise Discretionary
Afforestation with new Plantation Forestry	Discretionary Activity

NEXT STEPS

16. A technical landscape architect review by Brown Ltd work is currently underway reviewing the boundaries of the 2013 ONL identification to ensure that they are up to date reflecting current land use. This is expected to be completed at the end of October.

Appendix One: Draft Objectives and Policies for Outstanding Natural Landscapes and Outstanding Natural Features

Natural Features and Landscapes Objective	
NFL - O1	To protect the values of outstanding natural landscape and outstanding natural features on the West Coast/Tai Poutini, while allowing subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced.
Natural Features and Landscapes Policies	
NFL - P1	Allow activities within outstanding natural features and landscapes where they are for: <ul style="list-style-type: none"> a. Existing land uses and lawfully established activities; b. Conservation activities; c. Recreational activities; d. Natural hazard mitigation activities; e. Generation of renewable energy; f. Operation of infrastructure; g. Poutini Ngāi Tahu uses; h. The alteration, maintenance or removal of existing buildings or structures; or i. They do not adversely affect the values that contribute to a natural feature or landscape being outstanding.
NFL - P2	Control activities that have the potential to degrade those values contributing to outstanding natural features and outstanding natural landscapes by requiring activities and structures to be subject to an assessment of effects on values through the resource consent process.
NFL - P3	Avoid significant adverse effects on the values that contribute to outstanding natural features and outstanding natural landscapes in the first instance. Where significant adverse effects cannot be avoided, ensure that the adverse effects are remedied, mitigated or offset.
NFL - P4	Recognise that there are a number of settlements, farms and infrastructure located within outstanding natural landscapes or outstanding natural features and allow for new activities in these areas where the values that contribute to the outstanding natural landscape or feature are not adversely affected.
NFL - P5	Require that new buildings, structures, native vegetation clearance or earthworks within outstanding natural features or landscapes minimise any adverse visual effects by: <ul style="list-style-type: none"> a. Ensuring the scale, design and materials of the building and/or structure are appropriate in the location; b. Using naturally occurring building platforms, materials and colour that blends into the landscape; and c. Limiting the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape.
NFL - P6	Protect outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use and subdivision: <ul style="list-style-type: none"> a. The scale of modification to the landscape; b. Whether the proposal is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change; c. Whether the proposal can be visually integrated into the landscape and whether it would break the skyline or ridgelines; d. The temporary or permanent nature of any adverse effects; e. The functional, technical or locational need of any activity to be sited in the particular location; f. Any historical, spiritual or cultural association held by Poutini Ngāi Tahu; g. Any positive effects the development has on the identified characteristics and qualities; h. Any positive effects at a regional and local level; and

	<ul style="list-style-type: none"> i. The measures proposed to mitigate the effects on the values and characteristics, including: <ul style="list-style-type: none"> i. The location, design and scale of any buildings or structures, or earthworks; ii. The intensity of any activity; and iii. The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing.
NFL - P7	Enable the use of Māori Purpose Zoned land in outstanding natural landscapes and on outstanding natural features where land use and subdivision is consistent with tikanga and mātauranga Māori and minimises adverse effects on the outstanding values of the landscape or feature.
NFL - P8	Consider the incorporation of mātauranga Māori principles into the design, development and/or operation of activities in outstanding natural features and landscapes with cultural, spiritual and/or historic values, interests or associations of importance to Poutini Ngāi Tahu and opportunities for Poutini Ngāi Tahu to exercise their customary responsibilities as mana whenua and kaitiaki in respect of the feature or landscape.

Appendix Two: Analysis of Key Policy and Drivers for Outstanding Natural Landscapes and Outstanding Natural Features

BACKGROUND

1. The West Coast region has a land area of 2,300,000 ha with the Department of Conservation managing 1,912,000 ha or 84% of this land leaving approximately 388,000 ha (16%) of land on the West Coast not under their control. In addition, there is roughly 40,647 km of streams and rivers in the region, of which 33,094 km (81%) are in Department of Conservation managed lands. In a national context, one quarter of New Zealand's protected land, and 10% of the total length of rivers in New Zealand, is located on the West Coast. Compared to other regions, the West Coast is rich in its level of natural landscapes and natural features.

NATIONAL AND REGIONAL DIRECTION

2. As part of its implementation of Section 6 (Matters of National Importance) of the Resource Management Act (RMA), Te Tai o Poutini Plan is required to:

*"recognise and provide for the following matters of national importance:
b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*

New Zealand Coastal Policy Statement Direction 2010

3. The Plan must be prepared in accordance with the New Zealand Coastal Policy Statement. There are a number of specific Objectives and Policies which are relevant to landscape, natural features and natural character.
4. It is notable that the requirements are substantial, and exceedingly restrictive. In particular Policy 13 which directs that adverse effects on outstanding natural landscapes and features in the coastal environment are avoided.
5. There is substantial case law which has been established around implementation of these provisions under the RMA, with the "King Salmon" decision in relation to Section 6 matters being particularly useful. Probably the key matters to note for consideration around developing policy for this area is:
 - "Give effect to" means "implement"
 - "avoid" means "not allowing"

WEST COAST REGIONAL POLICY STATEMENT PROVISIONS

6. Chapter 7B of the West Coast Regional Policy Statement (WCRPS) contains the provisions on natural features and landscapes. The Objectives and Policies are as follow:

Objectives

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

Policies

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.

CURRENT DISTRICT PLAN PROVISIONS

7. The current district plans have relatively few provisions around landscape and natural features.
8. All three Councils consider landscape and natural features in assessment criteria on resource consents.
9. Grey is the only plan to identify specific outstanding landscapes, the other two plans have policy criteria to identify outstanding landscapes.

OTHER COUNCIL APPROACHES

10. A review of how other Councils have managed these issues has been undertaken – with an emphasis on recent plans, and localities where there are similar situations with large areas of publicly owned land and significant areas of outstanding landscapes.
11. Some key things which this review identifies 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 controls 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.

Appendix Three: Draft Rules for Outstanding Natural Landscapes and Outstanding Natural Features

Permitted Activities		
NFL - R1	Maintenance and repair of lawfully established buildings, structures, network utilities, fencelines, drains, roads, railway and tracks including associated earthworks within an Outstanding Natural Landscape or Outstanding Natural Feature	
Activity Status Permitted Where: 1. Earthworks are the minimum required to undertake the activity.		Activity status where compliance not achieved: N/A
NFL - R2	Conservation Activities within an Outstanding Natural Landscape or Outstanding Natural Feature	
Activity Status Permitted Where: 1. Earthworks are the minimum required to undertake the activity.		Activity status where compliance not achieved: N/A
NFL - R3	Natural hazard mitigation activities including associated earthworks in Outstanding Natural Landscapes	
Activity Status Permitted Where: 1. This does not involve new hard protection structures or sourcing of rock for protection works within Outstanding Natural Landscapes or Outstanding Natural Features in the Coastal Environment; and 2. The work does not involve modification of an Outstanding Natural Feature.		Activity status where compliance not achieved: Controlled
NFL - R4	Demolition and removal of a structure within an Outstanding Natural Landscape or Outstanding Natural Feature	
Activity Status Permitted Where: 1. Earthworks are the minimum required to undertake the activity.		Activity status where compliance not achieved: N/A
NFL - R5	Additions or alterations to buildings and structures within an Outstanding Natural Landscape or Outstanding Natural Feature	
Activity Status Permitted 1. Where this is within the Coastal Environment, the addition increases the total footprint of the building or structure by no more than 50m ² [as provided for in Rule CE - R6]; 2. The maximum height of buildings and structures above ground level is 5m; and 3. Earthworks and indigenous vegetation clearance are the minimum required to undertake the activity.		Activity status where compliance not achieved: Restricted Discretionary
NFL - R6	Earthworks within an Outstanding Natural Landscape or Outstanding Natural Feature	
Activity Status Permitted Where: 1. The cut height or fill depth does not exceed one metre vertically; 2. No more than 500m ³ of earthworks are undertaken/12 month period/site; and 3. The earthworks are undertaken outside of the Coastal Environment. Advice Notes: 1. This rule does not apply to earthworks undertaken under NFL-R1, NFL -R3 or NFL - R7.		Activity status where compliance not achieved: Restricted Discretionary
NFL -R7	Māori Purpose Activities including earthwroks within an Outstanding Natural Landscape or Outstanding Natural Feature	

Activity Status Permitted		Activity status where compliance not achieved: Restricted Discretionary
Where: <ol style="list-style-type: none"> 1. These are Poutini Ngāi Tahu activities, including cultural harvest of vegetation, mahinga kai, pounamu, aotea stone or rock; or 2. These are Māori Purpose Activities in the Māori Purpose Zone undertaken in accordance with an Iwi/Hapū Management Plan that includes an assessment of, and mitigation of, impacts on the Outstanding Natural Landscape or Outstanding Natural Feature values. 		
NFL -R8	Erection of a building or structure not otherwise provided for as a Permitted Activity within an Outstanding Natural Landscape or Outstanding Natural Feature	
Activity Status Permitted		Activity status where compliance not achieved: Restricted Discretionary
Where the structure is: <ol style="list-style-type: none"> 1. A fence; or 2. Associated with stock water reticulation including tanks, pipes and water troughs; or 3. For parks facilities or parks furniture in any Open Space Zone; or 4. For a network utility (including customer connections) where the height does not exceed 7m above ground level; and 5. For agricultural pastoral and horticultural activities or any accessory building where: <ol style="list-style-type: none"> i. The maximum height is 3m above ground level; and ii. The gross floor area of any building does not exceed 100m². 		
Controlled Activities		
NFL - R9	Natural hazard mitigation activities to protect Nationally Significant Infrastructure not meeting Rule NFL - R3	
Activity Status Controlled		Activity status where compliance not achieved: Non Complying
Where: <ol style="list-style-type: none"> 1. These will not destroy any Outstanding Natural Feature or the values which make it Outstanding. Matters of control are: <ol style="list-style-type: none"> a. Any requirements for landscape evaluation; b. Managing effects on public access and natural character; c. Effects on the values that make the site Outstanding; d. Extent and design of earthworks; and e. Landscape measures. Notification: Applications which will substantially modify an Outstanding Natural Feature will be notified to the Geosciences Society and may be publicly notified.		
Restricted Discretionary Activities		
NFL - R10	Earthworks within an Outstanding Natural Landscape or Outstanding Natural Feature not meeting rule NFL -R6.	
Activity Status Restricted Discretionary		Activity status where compliance not achieved: Discretionary
Where: <ol style="list-style-type: none"> 2. These are for: <ol style="list-style-type: none"> i. Walking/cycling tracks; ii. Roads, farm tracks or fences; iii. Installation of network utility infrastructure; or iv. Establishment of a building platform and access to a building site in an approved subdivision or for a dwelling where there is no existing residential dwelling on the property; v. Protection of locally or regionally significant infrastructure from natural hazards; and 3. Earthworks are the minimum required to undertake the activity. Discretion is restricted to: <ol style="list-style-type: none"> a. Any requirements for landscape evaluation; 		

	<ul style="list-style-type: none"> b. Managing effects on public access and natural character; c. Effects on the values that make the site Outstanding; d. Extent and design of earthworks; and e. Landscape measures. 	
NFL - R14	Māori Purpose Activities within an Outstanding Natural Landscape or Outstanding Natural Feature not meeting Rule NFL - R7	
Activity Status Restricted Discretionary Where: <ul style="list-style-type: none"> 1. These are on land within a Māori Purpose Zone; and 2. This includes earthworks and buildings associated with the activity. Discretion is restricted to: <ul style="list-style-type: none"> a. Any requirements for landscape evaluation; b. Managing effects on public access and natural character; c. Effects on the values that make the site Outstanding; d. Extent and design of earthworks; and e. Landscape measures. 		Activity status where compliance not achieved: Discretionary
NFL - R15	Buildings or Structures and associated earthworks within an Outstanding Natural Landscape or Outstanding Natural Feature not meeting Permitted Activity rules.	
Activity Status Restricted Discretionary Where: <ul style="list-style-type: none"> 1. This is an addition to an existing building or a building accessory to an existing building; or 2. The building is identified on an approved subdivision plan for the site or for a residential dwelling where there is no existing dwelling on the property; or 3. This is required for: <ul style="list-style-type: none"> i. A network utility; ii. An agricultural pastoral or horticultural activity; iii. A conservation activity; or iv. A recreational activity in an Open Space Zone. Discretion is restricted to: <ul style="list-style-type: none"> a. Any requirements for landscape evaluation; b. Managing effects on public access and natural character; c. Effects on the values that make the site Outstanding; d. Extent and design of earthworks; and e. Landscape measures. 		Activity status where compliance not achieved: Discretionary
Discretionary Activities		
NFL - R14	Afforestation with Plantation Forestry within an Outstanding Natural Landscape or Outstanding Natural Feature	
Activity Status Discretionary		
NFL - R15	Buildings and Structures within Outstanding Natural Landscapes and Outstanding Natural Features not meeting Permitted, Controlled or Restricted Discretionary rules	
Activity Status Discretionary		
NFL - R16	Earthworks (including mineral extraction) within Outstanding Natural Landscapes and Outstanding Natural Features not meeting Permitted or Restricted Discretionary Rules	
Activity Status Discretionary Where: <ul style="list-style-type: none"> 1. These will not destroy any Outstanding Natural Feature or the values which make it Outstanding. Advice Note: Where resource consent has been issued for earthworks or mineral extraction by the West Coast Regional Council and (where required) the relevant		Activity status where compliance not achieved: Non-complying

District Council at the time of notification of the Plan this is a deemed Permitted Activity, regardless of whether the works have commenced.	
Non-complying Activities	
NFL - R17	Plantation Forestry within an Outstanding Natural Landscape or Outstanding Natural Feature in the Coastal Environment
Activity Status Non-complying	
NFL - R18	Natural Hazard Management Activities and Earthworks and not meeting Rules NFL - R9 or NFL - R16
Activity Status Non-complying	
Notification: Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding will always be Notified to the Geosciences Society of New Zealand and may be publicly notified.	

Appendix Four: Outstanding Natural Features Schedule

SCHED6 - SCHEDULE OF OUTSTANDING NATURAL FEATURES

Unique Identifier	Site Identifier	Site Type and Values
ONF1	Honeycomb Hill Holocene cave system	Internationally Significant One of the longest caves (14 km) in New Zealand/Aotearoa. Speleogenesis very complex, unique maze system developed by junction of series of inlet streams to submerged sections of the Ōparara River. Internationally significant deposits dating from Otiran Glacial and Holocene time periods. Richest and most diverse deposits of bird bones found in New Zealand/Aotearoa, including numerous extinct and rare birds, such as the Haast's eagle/Pouakai.
ONF2	Buller/Kawatiri Gorge non-marine sedimentary sequence and plant beds	Internationally Significant Type section of Ohika Formation; Stitts Tuff Member. Oldest post-Rangitata sediments on the West Coast/Tai Poutini, significant in tectonics, paleogeography, palynology. Good exposures of fluvial and lacustrine sediments. Internationally important Cretaceous plant beds. White or yellow arkosic sandstone, greywacke conglomerate and dark carbonaceous shale, probably deposited in a river floodplain environment (Ohika Formation). Contemporaneous with Hawks Crag Breccia, but more distant from the rapidly rising source area. Basal beds of white vitric tuff, carbonaceous shale and minor arkosic sandstone (Stitts Tuff Member) were deposited in a lake within floodplain environment.
ONF3	Hawks Crag Breccia	Internationally Significant Type section of Ohika Formation; Stitts Tuff Member. Oldest post-Rangitata sediments on the West Coast/Tai Poutini, significant in tectonics, paleogeography, palynology. Good exposures of fluvial and lacustrine sediments. Internationally important Cretaceous plant beds. White or yellow arkosic sandstone, greywacke conglomerate and dark carbonaceous shale, probably deposited in a river floodplain environment (Ohika Formation). Contemporaneous with Hawks Crag Breccia, but more distant from the rapidly rising source area. Basal beds of white vitric tuff, carbonaceous shale and minor arkosic sandstone (Stitts Tuff Member) were deposited in a lake within floodplain environment.
ONF4	Perpendicular Point Eocene crab and echinoid fossils	Internationally Significant Crab bed' with fossil fauna of diverse crabs and echinoids. One of richest fossil crab localities in New Zealand/Aotearoa.
ONF5	Maruia River faulted terraces (Alpine Fault)	Internationally Significant Excellent example of progressive displacement of late Quaternary river terraces by movement on the Alpine Fault. Progressive displacement of terraces by up to 9 m RL and 1.6 m SE side up motion on the Alpine Fault. Concrete wall built to detect fault creep.
ONF6	Waitahu River Devonian section	Internationally Significant One of best exposed Devonian sequences in New Zealand.

ONF7	Lankey Creek Devonian fossils	Internationally Significant One of the best sequences of rare fossiliferous Devonian stratigraphy in New Zealand. Murray Creek Formation up sequence to Lankley Limestone. At least three significant fossil horizons in former.
ONF8	Springs Junction Devonian road section	Internationally Significant One of the best sequences of rare fossiliferous Devonian strat in New Zealand. Murray Creek Formation up sequence to Lankley Limestone. At least three significant fossil horizons in former.
ONF9	Yorkey Creek Devonian fossils	Internationally Significant Includes sequence upwards from Lankey Limestone to Kelly Sandstone. One of just a few good Devonian fossil areas in NZ.
ONF10	Rainy Creek Devonian Fossils	Internationally Significant In Rainy Creek bed and track cutting in vicinity of Royal Coal Mine, 2 km upstream from mouth. One of the best fossiliferous Devonian sequences in NZ.
ONF11	Mt Inframeta Pounamu Ultramafics	Internationally Significant The best exposure of the Pounamu Ultramafic belt, metamorphosed ultramafic rocks. Largest naturally occurring diopside crystals in New Zealand associated with these ultramafics. A suite of intensely deformed mafic and ultramafic rocks metamorphosed under garnet zone epidote amphibolite facies conditions. Diopside occurs as 30-50 cm crystals.
ONF12	Kākā Creek Alpine Fault exposure	Internationally Significant Rapid 20 mm/yr thrusting rate determined from radiocarbon dating under the thrust (ages 3100 and 2600 years BP-overthrust horizontally by at least 50 m). Rare locality where thrusting rate has been determined for the Alpine Fault.
ONF13	Gaunt Creek Alpine Fault overthrust	Internationally Significant Large exposure of Alpine Fault showing gravels overthrust by schist. Late Quaternary schist gravels overthrust by green puggy schist along low angle contact. The best exposure of such a thrust structure in New Zealand, possibly the world. Associated with rare exposures of cataclasites and mylonites. Active thrust faulting with associated cataclasites, mylonites and pseudotachylites.
ONF14	Waiho Loop	Internationally Significant One of the most scientifically important glacial deposits/landforms in New Zealand, and is of high international scientific significance. This arcuate ridge is one of the best known terminal moraines in New Zealand and among one of the best-known worldwide. It has particular scientific significance as marking the terminus of the Franz Josef glacier during a major glacier advance approximately 12,000 years ago. The Waiho Loop has a particularly sharply formed moraine ridge with a classic arcuate shape that is not fully appreciated from the road, but is spectacular when viewed from the air, as it is by many helicopter

		<p>tourists every week, as the Franz Josef airstrip is nearby. So outstanding is this landform that aerial photos of it feature in many books on New Zealand geology, geography and photogenic landscapes, and also, for example, in Te Ara.</p> <p>In 1994, the Loop featured as the front cover illustration of the journal Science – one of the world's top two scientific journals. The Waiho Loop terminal moraine arcuate ridge has been a topic of three papers (so far) published in top international science journals. The original importance was climatic significance (Denton & Hendy 1994), based on dating of glacial sediments plastered on the edge of Canavan's Knob. This paper was then the subject of other technical letters to Science (Mabin 1996; Denton & Hendy 1996). The Waiho Loop again featured in a paper in Science (Barrows et al. 2007), with an attempt at dating boulders on the crest of the Loop, with a climate focus, and an interpretation of its climatic significance was made that differed from previous interpretations. This paper was also subject of technical comment and reply in Science (Applegate et al. 2008; Barrows et al. 2008). Then another study was published, in the high-profile journal Nature Geoscience (Tovar et al. 2008), putting forward the hypothesis that the Waiho Loop was formed not by a climatically-induced glacier advance, but as a result of a glacier advance caused by a mega-landslide onto Franz Josef Glacier.</p>
ONF15	Waiho Valley alpine schist	<p>Internationally Significant</p> <p>High-strain alpine schists with attenuated isoclinal folds, also showing a later sequence of veins, ductile shears and fractures formed during progressive uplift. Superb ice-polished exposures of garnet-zone schist, showing ductile and brittle structures.</p>
ONF16	Franz Josef glacier /Kā Roimata-a-Hinehukatere	<p>Internationally Significant</p> <p>One of the two most visited tourist glaciers in New Zealand.</p>
ONF17	Fox glacier/ Te Moenga o Tuawe	<p>Internationally Significant</p> <p>One of the two most visited tourist glaciers in New Zealand.</p>
ONF18	Hare Mare Creek Alpine Fault overthrust	<p>Internationally Significant</p> <p>Late Quaternary schist gravels overthrust by green puggy schist along low angle contact. An exposure of mylonites and cataclasites associated with the Alpine Fault overthrust. Most easily accessible large exposure of Alpine Fault overthrust.</p>
ONF19	Gillespies Beach huttonite	<p>Internationally Significant</p> <p>Type locality for the mineral huttonite. Detrital grains in beach sand. A monoclinic thorium silicate which has not yet been found in situ. Also found at several other beaches on the West Coast.</p>
ONF20	Gorge River awaruite	<p>Internationally Significant</p> <p>Type locality for the mineral awaruite.</p> <p>A nickel-iron alloy first described by W. Skey (1886) from alluvial sands of the Gorge River and soon thereafter in situ in serpentinite from the same valley.</p>

		Awaruite has also been reported from other localities in the area.
ONF21	Mt Aspiring/ Tititea glacial horn	Internationally Significant A spectacular internationally known example of a glacial horn.



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee

Prepared by: Edith Bretherton, Senior Planner

Date: September 2021

Subject: **Te Tai o Poutini Plan: Draft Rules for Natural Hazards Overlays**

SUMMARY

This report gives an update on the technical work being undertaken on Natural Hazards in Te Tai o Poutini Plan.

The proposed approach for Natural Hazards was shared at the April 2021 Committee meeting.

Draft Objectives and Policies for Natural Hazards, and direction on rules was sought at the August 2021 Committee meeting.

This report seeks feedback on the draft rules for Natural Hazards overlays.

RECOMMENDATIONS

1. That the Committee receive the report.
2. That the Committee provide feedback on the draft Rules for Natural Hazards overlays.

Edith Bretherton

Senior Planner

INTRODUCTION

1. Feedback from the May and August 2021 Committee meetings has been incorporated into the draft Objectives and Policies. These are contained in Appendix A.
2. Relevant definitions for these overlays are also contained within Appendix A.
3. Any rules for maintenance of existing and new hazard mitigation structures will be contained within the coastal environment chapter which will be coming to the Committee in October.
4. At Greymouth and Hokitika, where significant natural hazard protection works are in place, and further expansions planned, a "Defended Areas" overlay will be used. Expert advice is still being sought on the level of residual risk for Hokitika and Greymouth and what rules might be required. This will be brought to a future meeting of the Committee. Residual risk is the risk that remains after protection works are accounted for.

Coastal Hazard Overlay – Alert

5. The Coastal Hazard overlay – alert will likely apply to most areas at risk from coastal hazards. These areas have been identified through the proposed West Coast Regional Coastal Plan and include areas such as Okarito.

Permitted Activities	
NH - R1	Repairs, Maintenance, Additions and Alterations to Existing Buildings and Structures.
Activity Status Permitted Where: <ol style="list-style-type: none"> a. Any works do not increase the building footprint, b. Any works do not increase the area of the building used for habitable room/s, and c. The building or structure is not reconstructed or replaced in a position that is seaward of the building or structure it replaces. 	Activity status where compliance not achieved Discretionary
Discretionary Activities	
NH – R2	New Buildings and Structures or where not compliant with NH R1
Activity status Discretionary	Activity status where compliance not achieved: NA

Coastal Hazard Overlay – Severe

6. Expert input is being sought on the landward extent of potential severe hazard areas. Orowaiti to Hector, Punakaiki Beach to Hartmount, Rapahoe and Haast Beach to Jacksons Bay are being considered.

Permitted Activities	
NH – R3	Repairs and maintenance to Existing Buildings and Structures
Activity Status Permitted Where: <ol style="list-style-type: none"> a. Any works do not increase the building footprint, and b. Any works do not increase the area of the building used for any habitable room. 	Activity status where compliance not achieved Non Complying
Non-complying Activities	
NH – R4	Additions and Alterations to Existing Buildings and Structures, New Building and Structures, or where not compliant with NH R3
Activity Status Non Complying	

Coastal Tsunami Overlay

7. The coastal tsunami overlay will be the "red zone" from the most recent GNS tsunami modelling, commissioned by Civil Defence Emergency Management.

Permitted Activities	
NH – R5	Repairs, Maintenance, Additions and Alterations to Existing Buildings and Structures
Activity Status Permitted Where: <ol style="list-style-type: none"> Any alteration or addition does not increase the building footprint, Any alteration or addition does not increase the area of the building used for Critical Response Facilities, and The building or structure is not reconstructed or replaced in a position that is seaward of the building or structure it replaces. 	Activity status where compliance not achieved: Where compliance with standard a and c is not achieved – Discretionary Where compliance with standard b is not achieved – Non-complying
NH – R6	New Buildings and Structures
Activity Status Permitted Where the building or structure is not intended to be used as a Critical Response Facility.	Activity status where compliance not achieved: NA
Discretionary Activities	
NH – R7	Repairs, Maintenance, Additions and Alterations to Existing Buildings and Structures not meeting NH R5 standard a or c
Activity Status Discretionary	Activity status where compliance not achieved: NA
Non-complying Activities	
NH – R8	New Buildings and Structures or not meeting NH R5 standard b
Activity Status Non Complying Where the Building or Structures is intended to be used as a Critical Response Facility.	

Flooding Hazard Overlay - Alert

Permitted Activities	
NH – R9	Repairs, Maintenance, Additions and Alterations to Existing Buildings and Structures and New Buildings and Structures
Activity Status Permitted Where: <ol style="list-style-type: none"> The activity does not alter overland flow paths from or onto any other property, Any additions and alterations do not increase the amount of habitable space in such a way as to increase the likely number of inhabitants, and. There is a minimum building finished floor level of 500mm above a 100 year average recurrence interval (ARI) flood hazard event, or as prescribed by a Council Bylaw whichever is the higher. 	Activity status where compliance not achieved Discretionary
<i>Note. Regional rules relating to the diversion of water are contained within the West Coast Regional Council, Land and Water Plan. Consent may be required.</i>	

<i>Note. Reconstruction or replacement of a building or structure may be subject to existing use rights. In these instances, increasing the finished floor level is strongly encouraged.</i>	
Discretionary Activities	
NH – R10	Repairs, Maintenance and Alterations to Existing Buildings and Structures not meeting NH R9
Activity Status Discretionary	Activity status where compliance not achieved: NA

NH Method 1 – Provide advice and information to all landowners within the Flood Hazard Overlays on the benefit of increasing freeboard to safety and protection of property.

Flood Hazard Overlay – Severe

8. There are areas identified through existing flood modelling as posing a severe risk to people, property and the environment. This is due to the depth and / or speed of water. For example: the areas of Westport most severely affected by flooding. This is not likely to cover entire settlements, but just the most severely affected areas.

Permitted Activities	
NH – R11	Repairs and Maintenance to Existing Buildings and Structures
Activity Status Permitted	Activity status where compliance not achieved Non Complying
<p>Where</p> <ol style="list-style-type: none"> a. The activity does not alter overland flow paths from or onto any other property, and b. There is a minimum building finished floor level of 500mm above a 100 year average recurrence interval (ARI) flood hazard event, or as prescribed by a Council Bylaw whichever is the higher. <p><i>Note. Regional rules relating to the diversion of water are contained within the West Coast Regional Council, Land and Water Plan. Consent may be required.</i></p> <p><i>Note. Reconstruction or replacement of a building or structure may be subject to existing use rights. In these instances, increasing the finished floor level is strongly encouraged.</i></p>	
Non-complying Activities	
NH – R12	Additions and Alterations to Existing Buildings and Structures, New Buildings and Structure
Activity Status Non Complying	

Fault Avoidance Overlays

9. These will apply to the Alpine Fault, the Hope fault, the Clarence fault and the Awaterere fault. The West Coast region section of the Awaterere Fault is in the Springs Junction / Maruia Hot springs area. The Hope and Clarence faults are located in the mountains in the north east of the region, proximate to the Lewis Pass.

10. At the August 2021 Committee meeting the option of a Controlled Activity was suggested for additions and alterations to existing buildings and structures. This has been tabled with the Technical Team. This was strongly opposed due to the potential liability issues it may cause for Councils, and it was not considered to be of appropriate scale compared with the restrictions on new buildings and structures.

Permitted Activities	
NH - R13	Repairs, Maintenance, Additions and Alterations to Existing Buildings and Structures, and New Buildings and Structures
Activity Status Permitted Where these are unoccupied buildings accessory to a Permitted Activity for the Zone, in any Fault Avoidance Overlay buffer.	Activity status where compliance not achieved Restricted Discretionary
NH - R14	Repairs and Maintenance to Existing Buildings and Structures or where not meeting NH R13
Activity Status Permitted Where: <ul style="list-style-type: none"> a. Repairs and maintenance does not increase the area of the building used for Critical Response Building purposes, b. The building or structure is not reconstructed or replaced in a position that is closer to the fault than the building or structure it replaces. 	Activity status where compliance not achieved Restricted Discretionary For residential buildings, and fault avoidance buffer is 50m, 100m, 150m or 200m. For commercial and industrial buildings, or <u>Community Facilities, Education Facilities, Health Facilities, and Network Utility Facilities</u> fault avoidance buffer is 200m. Discretionary For commercial and industrial buildings and fault avoidance buffer is 50m, 100m, 150m. For <u>Community Facilities, Education Facilities, Health Facilities, and Network Utility Facilities</u> and fault avoidance buffer is 100m or 150m. Non Complying For all occupied building types in fault avoidance buffer is 20m. For <u>Community Facilities, Education Facilities, Health Facilities, and Network Utility Facilities</u> and fault avoidance buffer is 50m. For critical response facilities and fault avoidance buffer is 50m, 100m, 150m or 200m.
Restricted Discretionary Activities	
NH – R15	Additions and Alterations to Existing Buildings and Structures, and New Buildings and Structures, and not meeting Rule NH R14
Activity Status Restricted Discretionary Where: <ul style="list-style-type: none"> 1. These are 	Activity status where compliance not achieved: Discretionary

<ul style="list-style-type: none"> i. Residential buildings constructed outside of the 50m Fault Avoidance Buffer; or ii. Commercial or Industrial buildings constructed outside of the 200m buffer zone; and <p>2. Accompanied by a hazard risk assessment undertaken by a suitably qualified and experienced practitioner.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Recommendations in accompanying hazard risk assessment, b. Risk to life, property and the environment from the proposal and any measures to mitigate those risks, c. The location and design of proposed buildings, vehicle access and infrastructure in relation to natural hazard risk d. Any adverse effect on the environment of any proposed mitigation measures. 	
Discretionary Activities	
NH – R16 Additions and Alterations to Existing Buildings and Structures, and New Buildings and Structures and not meeting Rule NH R14 or NH R15	
<p>Activity Status Discretionary</p> <ul style="list-style-type: none"> 1. These are Commercial or Industrial Buildings outside of the 50m Fault Avoidance Buffer zone; or 2. These are Community, Education, Health or Network Utility Facilities outside of the 100m Fault Avoidance Buffer zone. 	<p>Activity status where compliance not achieved: Non-complying</p>
Non-complying Activities	
NH – R17 Additions and Alterations to Existing Buildings and Structures, and New Buildings and Structures and not meeting Rule NH R14, NH R15 or NH R16	
<p>Activity Status Non Complying</p> <p>Where</p> <ul style="list-style-type: none"> 1. All building types except Critical Response Buildings constructed inside the 50m Fault Avoidance Buffer; or 2. Community, Education, Health or Network Utility Facilities Buildings and structure inside of the 100m Fault Avoidance Buffer. 	
NH – R18 Additions and Alterations to Existing Buildings and Structures and New Buildings and Structures in brownfield areas.	
<p>Activity Status Non-complying</p> <p>Where building type is a Critical Response Building or Structure in all Fault Avoidance Buffers.</p>	
Activity Status Prohibited	
NH – R19 New Buildings and Structures in greenfield areas.	
<p>Activity Status Prohibited</p> <p>Where building type is a Critical Response Building or Structure.</p>	

Land Instability Overlays

11. Areas likely to be included in Land Instability – High are: Little Wanganui Subdivision, Punakaiki Beach, Franz Josef township. The “erosion prone” areas in the Regional Land and Water plan will be carried over into this overlay.

Permitted Activities

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NH – R20	Repairs, maintenance, additions and alterations of any building or structure: Land Instability Overlay: all	
Activity Status Permitted		Activity status where compliance not achieved:
Where		Restricted
a. Any alteration or addition does not increase the building footprint, and		Discretionary
b. Any alteration or addition does not increase the area of the building used for any habitable room.		
Restricted Discretionary Activities		
NH - R21	New Buildings and Structures: Land Instability Overlay – Alert, and not meeting NH R20	
Activity status Restricted Discretionary		Activity status where compliance not achieved: NA
Discretion is restricted to:		
An accompanying geotechnical assessment prepared by a suitably qualified and experienced geotechnical engineer certifying:		
<ul style="list-style-type: none"> • Subject to measures specified, that the proposed building or structure will not be likely to be subject to damage from slope instability during its useful life; and • Certified that subject to measures, the proposed works will not be likely to result in or contribute to damage to any adjoining or downslope property within or adjoining the natural hazard overlay – land instability alert; and • Specifies any measure in relation to building location, design or construction that, if carried out, will be adequate to avoid any damage to the proposed building work or to any adjoining or downslope property, arising from slope instability during the useful life of the building or structure. 		
Discretionary Activities		
NH – R22	New Buildings and Structures: Land Instability Overlay – High	
Activity Status Discretionary		Activity status where compliance not achieved:
		NA

Lake Tsunami Overlay

Permitted Activities		
NH – R23	Repairs, Maintenance, Additions and Alterations to Existing Buildings and Structures, or New Buildings and Structures not for sensitive activities	
Activity Status Permitted		Activity status where compliance not achieved:
Where		Restricted Discretionary
a. Any alteration or addition does not increase the building footprint, and		
b. Any alteration or addition does not increase the area of the building used for sensitive activities.		
Restricted Discretionary Activities		
NFL – R24	New Buildings or Structures for Sensitive Activities	

<p>Activity Status Restricted Discretionary Where:</p> <ul style="list-style-type: none"> a. The building is intended to be used for sensitive activities, and b. Is accompanied by a hazard assessment prepared by a suitably qualified and experienced person. <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. Level of risk as assessed by suitably qualified and experienced person to sensitive activity. b. The location and design of proposed sites, buildings, vehicle access in relation to natural hazard risk. c. The clearance or retention of vegetation or other natural features to mitigate natural hazard risk. d. The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site. e. Any adverse effect on the environment of any proposed mitigation measures. 	<p>Activity status where compliance not achieved: Non Complying</p>
<p>Non-complying Activities</p>	
<p>NH – R25 New Buildings and Structures</p>	
<p>Activity Status Non Complying Where the building is intended to be used for sensitive activities.</p>	

NEXT STEPS

1. The feedback received will be used to amend the draft Natural Hazard rules to be included within the draft TTPP.
2. Natural Hazard Overlays will be brought to this Committee for feedback.

Appendix A

Key Definitions

Some key definitions for this topic follow:

Unoccupied Buildings: means non-habitable buildings, sheds, barns, fences, pou, backcountry huts, minor storage facilities.

Residential Buildings means habitable buildings primarily used for residential purposes.

Commercial and Industrial Buildings means buildings used primarily for industrial and / or commercial purposes and includes visitor accommodation.

Community Facilities, Education Facilities, Health Facilities, and Network Utility Facilities in relation to natural hazards means all community buildings where people congregate including places of worship, Marae, daycare, primary, secondary and tertiary education facilities, medical facilities excluding hospitals, jails and detention centres buildings for power generation, public utilities not included in critical response facilities.

Critical Response Facilities means hospitals, fire, rescue, police stations, buildings intended to be used in an emergency for shelter, communication, operations or response, Power generating stations, hazardous or explosive material storage, aviation control tower, air traffic control centres, emergency aircraft hangars, fuel storage and major dams, potable water treatment facilities and waste water treatment facilities.

Sensitive Activities means:

1. *In relation to hazardous substances, any school, childcare facility or hospital;*
2. *In relation to natural hazards and noise any:*
 - a. *residential activity;*
 - b. *visitor accommodation;*
 - c. *community facility;*
 - d. *education facility; and*
3. *In relation to energy activities, any*
 - a. *residential activity;*
 - b. *visitor accommodation;*
 - c. *community facility;*
 - d. *education facility; and*
 - e. *uninhabited agricultural or horticultural building including packing sheds, milking sheds, intensive agricultural activities and herd homes.*

Greenfield means built development (industrial, commercial, residential or mixed use) on a piece of previously undeveloped land (generally on the urban fringe), which had been either used for agriculture or was in its natural state.

Brownfield means land that has already been developed and therefore has existing infrastructure.

Additions and Alterations means in relation to natural hazards changes to the building or structures which increase the habitable space in such a way as to increase the likely number of inhabitants. For example, increasing the number of bedrooms, but not the size of bedrooms. Or converting a garage to a bedroom but not the size of a garage.

Existing Buildings and Structures – means buildings and structures that were lawfully established or where resource and or building consent has been granted at the date of notification of the Plan.

DRAFT OBJECTIVES AND POLICIES

Updated draft Objectives and Policies follow. To give effect to the National Planning Standards hazard in the coastal environment will need to be addressed in the coastal environment chapter. For ease of review all the provisions have been kept together during development.

NH Natural Hazards

Natural Hazards Objectives	
NH - O1	To use a regionally consistent, risk-based approach to natural hazard risk management.
NH - O2	To reduce the risk to life, property and the environment from natural hazards, thereby promoting the well-being of the community.
NH - O3	To only locate infrastructure within areas of significant natural hazard risk where there is no reasonable alternative, and to design infrastructure so as not to exacerbate natural hazard risk to people and property.
NH - O4	To ensure the role of hazard mitigation played by natural features including dunes and wetlands is recognised and protected.
NH - O5	To recognise and provide for the effects of climate change, and its influence on sea levels and the frequency and severity of natural hazards.
Policies	
NH - P1	Identify in overlay areas at significant risk from natural hazards.
NH - P2	Where a natural hazard has been identified, but the natural hazard risk to people and communities is unknown, but potentially significant, apply a precautionary approach.
NH - P3	Promote the use of natural features, buffer and appropriate risk management approaches in preference to hard engineering solutions in mitigating natural hazard risks.
NH - P4	Natural hazard assessment, management retreat locations and resource consent applications will consider the implications of climate change. In particular the following matters should be considered: <ul style="list-style-type: none"> a. Change in sea level; b. Altering of coastal processes; c. Increased inundation of low lying areas; d. Changes in local temperatures; e. Changes in rainfall patterns, and f. Increase in cyclonic storms.
NH - P5	When assessing areas suitable for managed retreat, the following matters should be considered:

	<ul style="list-style-type: none"> a. That the natural hazard risk of the area is less than the existing location, and b. The potential future need to protect the community and associated infrastructure by hazard mitigation works.
NH - P6	<p>In the fault avoidance overlays</p> <ul style="list-style-type: none"> a. Allow unoccupied buildings or structures in all buffer zones b. Avoid residential buildings in 20m buffer and restrict in all other buffer areas; c. Avoid commercial and industrial buildings in 20m and 50m buffer, consider in 100m and 150m buffer, restrict in 200m buffer areas; d. Avoid Community Facilities, Education Facilities, Health Facilities, and Network Utility Facilities in 20m, 50m and 100m buffer, consider in 150m and 200m buffer areas; e. Avoid brownfield development of Critical Response Facilities in all buffer areas, and f. Prohibit greenfield development of Critical Response Facilities in all buffer areas.
NH - P7	Avoid locating Critical Response Facilities within the tsunami hazard overlay zone.
NH - P8	In the lake tsunami hazard overlay restrict development of sensitive activities.
NH - P9	In areas of severe hazard risk avoid further development of sensitive activities.
NH - P10	<p>In the coastal hazard and flood hazard overlays</p> <ul style="list-style-type: none"> a. Avoid development in severe hazard areas unless it can be demonstrated that the activity has an operational and functional need to locate within the hazard area, and that the activity incorporates mitigation of risk to life, property and the environment; and b. Allow development in coastal hazard areas where mitigation measures avoid risk to life, property and the environment, and the risk to adjacent properties, activities and people is not increased as a result of the activity proceeding.
NH - P11	In areas identified in a flood overlay do not allow known overland flowpaths to be modified in a way which results in the flooding of another property, except for public natural hazard structures.
NH - P12	<p>In areas identified in land instability overlays</p> <ul style="list-style-type: none"> a. Avoid development in high hazard areas unless it can be demonstrated that the activity has an operational and functional need to locate within the hazard area, and that the activity incorporates mitigation of risk to life, property and the environment;

	<ul style="list-style-type: none"> b. Consider development in coastal hazard areas where mitigation measures avoid risk to life, property and the environment, and the risk to adjacent properties, activities and people is not increased as a result of the activity proceeding.
NH - P13	In areas identified in wildfire overlays enable vegetation clearance as a hazard mitigation strategy.
NH - P14	<p>When assessing the effects of activities in natural hazard overlays consider:</p> <ul style="list-style-type: none"> a. The effects of natural hazards on people and property; b. Technological and engineering mitigation measures; c. The location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk; d. The clearance or retention of vegetation or other natural features to mitigate natural hazard risk; e. The timing, location, scale and nature of any earthworks in relation to natural hazard risk; f. The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site.; and g. Any significant adverse effects on the environment of any proposed mitigation measures.
NH - P15	<p>In areas identified in land instability overlays</p> <ul style="list-style-type: none"> a. Avoid development in high hazard areas unless it can be demonstrated that the activity has an operational and functional need to locate within the hazard area, and that the activity incorporates mitigation of risk to life, property and the environment; b. Consider development in coastal hazard areas where mitigation measures avoid risk to life, property and the environment, and the risk to adjacent properties, activities and people is not increased as a result of the activity proceeding.
NH - P16	In areas identified in wildfire overlays enable vegetation clearance as a hazard mitigation strategy.
NH - P17	<p>When assessing the effects of activities in natural hazard overlays consider:</p> <ul style="list-style-type: none"> a. The effects of natural hazards on people and property; b. Technological and engineering mitigation measures;

	<ul style="list-style-type: none">c. The location and design of proposed sites, buildings, vehicle access, earthworks and infrastructure in relation to natural hazard risk;d. The clearance or retention of vegetation or other natural features to mitigate natural hazard risk;e. The timing, location, scale and nature of any earthworks in relation to natural hazard risk;f. The potential for the proposal to exacerbate natural hazard risk, including transferring risk to any other site.; andg. Any significant adverse effects on the environment of any proposed mitigation measures.
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Prepared for: Te Tai o Poutini Plan Committee Meeting
Prepared by: Edith Bretherton, Senior Planner
Date: 28 September 2021
Subject: **Te Tai o Poutini Plan Technical Update – Public Access**

SUMMARY

This report gives an update on the technical work being undertaken for Public Access in Te Tai o Poutini Plan.

Public Access is a Resource Management s.6 matter of national importance. Consultation with key stakeholders has been undertaken and issues identified.

Public Access is a mandatory chapter, required by the National Planning Standards. However, most of the provisions sit within other chapters. One objective has been drafted.

RECOMMENDATIONS

1. That the Committee receive the report
2. That the Committee provide feedback on Objective for Public Access in Te Tai o Poutini Plan.

Edith Bretherton
Senior Planner

BACKGROUND AND PLANNING CONTEXT

1. Public access to the waterbodies and the coastal environment is a Resource Management Act matter of national importance (s.6).
Recognise and provide for...maintenance and enhancement of public access to and along the coastal marine areas, lakes and rivers.
2. The RMA also guides the taking of esplanade strips.
Section 230 RMA makes esplanade reserves mandatory only where allotments are created that are less than 4ha in area (unless the District Plan reduces or waives the requirement). For allotments 4ha or over, esplanade strips or esplanade reserves can only be required if the District Plan rules require it – and if an esplanade reserve or esplanade strip is taken on sites over 4ha, the Council is required to pay compensation under s237F RMA.
3. The New Zealand Coastal Policy Statement (NZCPS) Policy 19 gives detailed policy direction on public access and reconciliation of conflicts between this and other matters of national importance.
 1. *Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.*
 2. *Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:*
 - a. *identifying how information on where the public have walking access will be made publicly available;*
 - b. *avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and*
 - c. *identifying opportunities to enhance or restore public walking access, for example where:*
 - i. *connections between existing public areas can be provided; or*
 - ii. *improving access would promote outdoor recreation; or*
 - iii. *physical access for people with disabilities is desirable; or*
 - iv. *the long-term availability of public access is threatened by erosion or sea level rise; or*
 - v. *access to areas or sites of historic or cultural significance is important; or*
 - vi. *subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.*
 3. *Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:*
to protect threatened indigenous species; or
to protect dunes, estuaries and other sensitive natural areas or habitats; or
to protect sites and activities of cultural value to Māori; or
to protect historic heritage; or
to protect public health or safety; or
to avoid or reduce conflict between public uses of the coastal marine area and its margins; or
for temporary activities or special events; or
for defence purposes in accordance with the Defence Act 1990; or
to ensure a level of security consistent with the purpose of a resource consent;
or in other exceptional circumstances sufficient to justify the restriction.
 4. *Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.*
4. The West Coast Regional Policy Statement (RPS) also contains policy direction on public access.
To promote...the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers where it contributes to the economic, social and cultural wellbeing of people and communities”.

CONSULTATION AND ISSUES IDENTIFICATION

5. Consultation has been undertaken with treaty partner Poutini Ngai Tahu, and key stakeholders Fish and Game, Walking Access New Zealand, Department of Conservation and the Alpine Club. Themes identified through this are:
 - Maintenance and re-establishment of customary access to enable gathering of mahinga kai.
 - Public access is needed for hunting and fishing. This provides recreation opportunities, enables tourism, and pest control.
 - Public access is paramount for the whitebaiting community.
 - Conflict exists and is becoming an increasing issue where hard protection structures reduce access to the coastal marine area and / or waterbodies.
 - There are no specific areas where public access is currently not available and is sought as a priority. Similarly, there are no areas where restriction is sought.
 - Re-establishment of customary access is a key direction in the Sites and Areas of Significance to Maori provisions. The associated schedule is under development, so specific areas where access is not available are not currently able to be shared.
6. Through consultation on other topics, insufficient public access to archaeological sites on public land has also been raised.

OTHER PARTS OF THE PLAN

7. Public access is usually provided for in a District Plan, in part, through the taking of esplanade reserves and provision of access strips at subdivision. See Appendix A for other council approaches. TTPP is consistent with this approach.
8. There are TTPP Strategic Objectives which set the direction in TTPP.

PNT 01 "To include Tai Poutini wide provisions to support Poutini Ngāi Tahu exercise of customary rights and interests including:

- *Establishment of papakāinga and kaumatua housing;*
- *Access to mahinga kai and cultural materials;*
- *Management of Pounamu and Aotea stone; and*
- *Management of taonga and wāhi tapu."*

9. This strategic objective reflects a strong direction throughout the plan to improve access for Poutini Ngai Tahu to mahinga kai sites.
10. There are also natural heritage provisions which highlight the value of natural heritage areas and features to Poutini Ngai Tahu, and the wider community. Being able to access these areas is key to being able to exercise kaitiakitanga and to support wellbeing.

NH 01 To ensure that the rights interests and values of Poutini Ngai Tahu to natural heritage areas and features are protected and provided for and that the ability to exercise kaitiakitanga and tino rangatiratanga is maintained and enhanced.

NH 03 To clearly identify:

- *unique and important natural heritage areas and features on the West Coast; and*
- *areas where subdivision, use and development to enable community economic, cultural and social wellbeing can be sustainably managed.*

11. Subdivision is where public access is often sought to be improved. The subdivision chapter sets the framework for this.

SUB 05 - Esplanade reserves and strips created through subdivision contribute to the protection of identified significant natural heritage and Poutini Ngāi Tahu values, provide natural hazard mitigation, support good water quality and provide for public access to and along rivers and the coastal marine area.

SUB P9 - To require esplanade reserves or esplanade strips for allotments of less than 4 ha in order to enable public access, reduce natural hazard risk, and contribute to the protection of natural character and biodiversity values, except that the width of the esplanade reserve or strip may be varied from 20 metres or waived if:

- a. The natural values warrant a wider or narrower esplanade strip or esplanade reserve; or*
- b. Topography, or the siting of any building or other feature, renders the 20-metre width inadequate or excessive; or*
- c. The protection of Sites of Significance to Māori or other taonga requires an esplanade reserve or esplanade strip of greater or lesser width than 20 metres; or*
- d. The protection or enhancement of biodiversity values or water quality requires an esplanade reserve or esplanade strip of greater or lesser than 20 metres; or*
- e. The land is within a natural hazard area of where there is an identified risk from one or more natural hazards (such as coastal erosion); or*
- f. The costs of the provision and maintenance of a 20-metre-wide esplanade reserve or esplanade strip are more than the potential public benefits of the purposes of esplanade reserves or strips.*

12. The Sites and Areas of Significance to Māori chapter also contains provisions.

SASM-O2 Poutini Ngāi Tahu are able to access, maintain and use areas and resources of cultural value within identified sites and cultural landscapes.

SASM-08 Require that activities within identified sites and areas of significance to Poutini Ngāi Tahu that support taonga species and mahinga kai resources as identified in Schedule Three:

- a. Avoid adverse effects on indigenous habitats and waterbodies;*
- b. Enable the maintenance and enhancement of these areas; and*
- c. Maintain and where appropriate improve access for Poutini Ngāi Tahu to these areas.*

SASM-09 Only allow subdivision of land adjacent to water bodies and the coast that are wāhi tupuna and are identified as having mahinga kai values in Schedule Three where the subdivision is designed to maintain or enable access to the coast and riparian margins for the purpose of gathering mahinga kai.

SASM-P11 Promote the provision or development of access for Poutini Ngāi Tahu to the identified sites and areas of significance to Poutini Ngāi Tahu listed in Schedule Three, including through:

- a. formal arrangements, such as co-management, joint management or relationship agreements, easements and land covenants, or access agreements; and/or*
- b. informal arrangements or understandings between landowners and local Poutini Ngāi Tahu hapū and/or marae.*

SASM-P17 Only allow subdivision of sites or areas of significance to Māori listed in Schedule Three where it can be demonstrated that:

- a. The values identified in Schedule Three are maintained and protected;*
- b. Sufficient land is provided around the site or area listed Schedule Three to protect identified values;*
- c. The remainder of the site is of a size which continues to provide it with a suitable setting to the values identified Schedule Three; and*
- d. Practical mechanisms are incorporated to maintain or enhance the ability of Poutini Ngāi Tahu to access and use the site or area of significance for karakia, monitoring, customary activities and ahi kā roa.*

SASM-P18 Only allow any other use and development on sites and areas of significance in Schedule Three where it can be demonstrated that the identified values of the site or area are protected and maintained, having regard to:

- a. Whether there are alternative methods, locations or designs that would avoid or reduce the impact on the values associated with the site or area of significance;*
- b. Outcomes articulated by Poutini Ngāi Tahu through an assessment of environmental effects, cultural impact assessment or iwi planning documents;*
- c. The potential to enhance the values of the site of significance and the relationship of Poutini Ngāi Tahu with their taonga, commensurate with the scale and nature of the proposal;*
- d. How values of significance to Poutini Ngāi Tahu, including tikanga, kaitiakitanga and mātauranga Māori may be incorporated; and*
- e. Any practical mechanisms to maintain or enhance the ability of Poutini Ngāi Tahu to access and use the site or area of significance for karakia, monitoring, customary activities and ahi kā roa.*

13. The activities on the surface of the water chapter also contains policy.

ASW – P2 Enable the non-commercial use of motorised water craft on rivers lakes and lagoons on the West Coast where this does not impact significantly on natural character, ecosystem and biodiversity values, Poutini Ngāi Tahu values, public access or disruption of natural quiet.

14. The Coastal Environment chapter contains provisions

CE-P9 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. When assessing proposals for natural hazard structures effects on public access should be considered and ways to minimise them including:

- a. Provision of alternate access; and*
- b. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity of the structure is maintained.*

15. A further objective has been drafted to reflect the issues raised by stakeholders, and to give effect to the RMA, NZCPS and West Coast RPS.

Objective 1: To protect, maintain and enhance customary and public access to and along the coastal marine area and waterbodies.

NEXT STEPS

16. The draft provisions will be consulted on as part of the Draft Plan consultation.

Appendix 1

Summary of other district council approaches to Public Access

	Far North Draft District Plan	Porirua Proposed District Plan	Timaru District Plan	Nelson District Plan	Selwyn Proposed District Plan	New Plymouth Proposed District Plan
Objectives	Public and customary access to and along the coastal marine area and waterbodies is protected, maintained and enhanced for future generations. Public and customary access to and along the coastal marine area and waterbodies does not exacerbate natural hazards or compromise the natural character, indigenous biodiversity, historic heritage, cultural or landscape values.	Public and customary access to and along Porirua City's coastal margins and riparian margins is maintained and enhanced.		Riparian and coastal margins where natural character, public access, natural functions, landscapes, heritage values, water quality and ecological values are protected and enhanced.	Selwyn's community has access to and along the District's surface water bodies and coastal marine area.	Public access is provided along the coast and along waterbodies with high recreational, scenic or amenity values. The district's shared pathway network is developed to provide public access to the natural environment, enhance recreational opportunities and improve the district as a world-class destination. Access to the coast and waterbodies does not result in adverse effects on natural character, indigenous biodiversity, historic heritage, cultural, or landscape values.
Policies	P1. Protect, maintain and enhance public and customary access by: a. managing land use and subdivision in a manner that is consistent with the values of the surrounding environment; b. requiring land use and subdivision activities to provide esplanade reserves and strips along water bodies; and c. utilise access strips, designations and any other mechanisms available to secure land for public access where not otherwise achieved through esplanade requirements. .P2. Require the creation of esplanade reserves, esplanade strips or access strips to and along the coastal marine area and waterbodies when considering an application for land use or subdivision where it: a. maintains or enhances existing ecological and/or natural values; b. maintains or enhances the landscape values; c. enables public access; d. enables public recreation; e. assists in the mitigation of risks associated with natural hazards; f. provides for the protection or access to historic heritage or cultural sites of significance to tangata whenua; g. it is identified as a priority area. P3. Allow a reduction in the required width of an esplanade reserve, esplanade strip or access strip,	1. Enable activities in coastal margins and riparian margins that maintain and enhance public and customary access. 2. Maintain and enhance public and customary access to and along coastal margins and riparian margins by: a. Requiring the creation of esplanade reserves and esplanade strips in accordance with SUB-P12; and b. Considering other opportunities to obtain public and customary access to the coast, Te Awarua-o-Porirua Harbour and waterbodies through subdivision and development.	No specific provisions found, although considered in the esplanade chapter.	Priority riparian and coastal margins should be identified, and acquired at the time of subdivision, development, or through negotiation Where existing undersized rural lots fall within areas identified for the acquisition of esplanade reserves or strips, consideration will be given to other methods of achieving esplanade purposes including the use of access strips. Public access to the Coastal Marine Area and along the coastline above mean high water springs should be maintained and enhanced, particularly in the following areas: a) the foreshore between Richmond (Tasman District) and Tahunanui Beach b) adjacent to and along Rocks Road and Wakefield Quay c) Cable Bay to Cape Soucis d) along the lower reaches of the Maitai and Wakapuaka rivers Public access within the port operational area should be maintained where it does not conflict with the operational requirements of the port operational area	P1. Require public access to and along listed surface water bodies and the coastal marine area in and adjoining townships, and in specified rural areas where: 1. It will not adversely affect the natural character, conservation values or cultural values of the surface water body or the coastal marine areas; 2. It: a. strengthens the existing public access or provides access to significant surface water bodies and the coastal marine area; or b. it facilities access by Ngai Tahu mana whenua to the coastal marine area, Te Waihora and coastala hapua and wetlands for mahinga kai and other customary uses; 3. such access will provide a community benefit; and 4. there is an acceptably low risk to public health or safety. P2. Require the creation of esplanade strips or esplanade reserves to maintain and enhance water quality, riparian vegetation and the natural character of the surface water bodies and the coastal marine area.	P1. Identify and map public access corridors that provide access to the coast and waterbodies and/or connect open spaces and other public areas, including: 1. the Coastal Walkway; and 2. the shared pathway network and Taranaki Traverse. P2. Maintain and enhance public access by: 1. requiring subdivision to provide esplanade reserves and/or esplanade strips along waterbodies and/or the coast, particularly in urban areas and along public access corridors; 2. requiring activities that would compromise the use and enjoyment of and/or opportunities to extend or link public access corridors to be set back and to mitigate any potential adverse effects on the public access corridor; and 3. seeking access strips, access links and designations if required to secure land for the shared pathway network. P3. Avoid activities that restrict access to the Waiwhakaiho surf break. and regionally significant surf breaks within the New Plymouth District as identified in the Proposed Coastal Plan for Taranaki. P4. Ensure that activities on public access corridors, or which have the potential to restrict public access along public access corridors, avoid adverse effects on the public access corridor, or where avoidance is not possible, appropriately remedy or mitigate adverse effects, having regard to:

	<p>or a waiver of any requirement only where it can be demonstrated that:</p> <ol style="list-style-type: none"> a. at Council discretion, safe and reasonable public access or recreational use already exists and can be maintained for the future, while considering the potential effects of climate change, including sea level rise; b. providing access will be detrimental to land and water-based habitats of indigenous fauna within, and adjoining the margin; c. providing access will be detrimental to any historic heritage place or sites of significance to tangata whenua; d. restrictions on public access are necessary to ensure public health and safety. 					<ol style="list-style-type: none"> 1. the purpose of the activity and whether it has a functional need to be located on a public access corridor; 2. the extent to which the activity will compromise the use, enjoyment and/or ongoing provision or development of the public access corridor and/or restrict public access; 3. if the public access corridor provides access to a waterbody or the coast, whether any alternative legal public access to that waterbody or the coast exists and the quality of that access; 4. whether the activity and/or restriction will limit or reduce opportunities to link land-locked or isolated sections of public access corridors; 5. the site's physical characteristics and constraints and any practical implications of providing access and/or any alternative locations for the activity on the site; 6. whether public access would compromise the natural character, indigenous biodiversity, historic heritage, cultural or landscape values of a waterbody or the coast, or the protection of sites and activities of significance to tangata whenua; and 7. the outcomes of any consultation with and/or cultural advice provided by tangata whenua, including with respect to mitigation measures and opportunities for tangata whenua's relationship with ancestral lands, water, sites, wāhi tapu and other taonga to be maintained or strengthened. <p>Ensure that any activity which proposes to locate adjacent to a public access corridor that has the potential to compromise the use, enjoyment and/or ongoing provision or development of the public access corridor is sufficiently set back from the public corridor, having regard to:</p> <ol style="list-style-type: none"> 1. the purpose of the activity and whether it has a functional need to be located adjacent to a public access corridor; 2. whether the location, scale and design of the activity would compromise the design, construction or functioning of the public access corridor, including the opportunity to link or extend the network; 3. the extent to which the activity may compromise tangata whenua's relationship with their ancestral lands, water, sites, wāhi tapu, and
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						<p>other taonga and any opportunities for that relationship to be maintained or strengthened; the outcomes of any consultation with and/or cultural advice provided by tangata whenua, in particular with respect to mitigation measures and/or the incorporation of mātauranga Māori principles into the design, development and/or operation of activities that may affect cultural, spiritual and/or historical values, interests or associations of importance to tangata whenua;</p> <ol style="list-style-type: none"> 4. whether the activity enhances public access and recreational and tourism opportunities and values; 5. the distance the activity is setback from the public access corridor and the extent this assists to mitigate adverse effects; and 6. any mitigation measures proposed, such as landscaping to avoid, remedy or mitigate adverse effects on public access, recreational and tourism values.
Rules	Rules for subdivision within subdivision chapter.	No rules			<p>Creation of esplanade reserves Land adjoining an existing esplanade reserve Allotments containing river or lake bed or the CMA Esplanade strips Access strips</p>	<p>Rules for subdivision Quarries and industrial activities within 50m of public access corridor Sports and recreation activities Customary activities Natural hazard mitigation activities Planting, restoration and weed management Building activities excluding demolition</p>



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Technical Advisory Team
Prepared by: Lois Easton, Principal Planner
Date: September 2021
Subject: **Technical Update: Financial Contributions Rules**

SUMMARY

This report gives an update on the draft Rules for Financial Contributions in Te Tai o Poutini Plan (TTPP).

Provisions for Financial Contributions will be included within the District – Wide Matters chapter of TTPP.

Financial contributions can assist with the costs of providing infrastructure for developments and providing for the recreational needs of the community. Funds can also be used to provide upgraded or additional servicing or to acquire or enhance land or assets for recreation and community purposes. Councils must specifically use these monies collected for the purposes they are intended

Financial contributions can be taken to provide off site 'offset' mitigation, e.g., where the adverse effects of replacing a bridge on a riverbed habitat cannot be avoided or satisfactorily mitigated, a financial contribution could be used to improve the riverbed habitat elsewhere as part of a wider riverbed restoration programme.

The draft Objectives and Policies have previously been reviewed by the Committee, and this report brings draft Rules for feedback.

RECOMMENDATIONS

1. That the Committee receive the report.
2. That the Committee provide feedback on the draft Rules for Financial Contributions.

Lois Easton

Principal Planner

INTRODUCTION

1. At the March 2021 meeting of the Committee the draft Objectives and Policies for financial contributions were discussed. Amended Objectives are attached at Appendix One.

DEVELOPMENT OF PROVISIONS

2. Key matters in relation to the development of a framework for Financial Contributions are outlined in Appendix Two.
3. The general approach to rules has been discussed by the Committee previously and this is summarised below.
 - Identify a common list of matters for which financial contributions will be taken upon subdivision being:
 - i. Roading
 - ii. Streetscape improvements
 - iii. Cycle and walkway access
 - iv. Parking including EV charging points
 - v. Service lanes
 - vi. Parks and reserves and their development costs (e.g. playgrounds and furniture)
 - vii. Community facilities
 - viii. Water supply
 - ix. Wastewater
 - x. Stormwater – quality and quantity
 - Enable financial contributions to be taken for land use consents and subdivision consents;
 - Provide for financial contributions for environmental offsetting and compensation (specifically for biodiversity and landscape);
 - Provide for additional financial contributions to cover the cost of bringing forward items in an LTP but not in the current Annual Plan year (ie required earlier than provided for)
 - Provide a level of specificity of financial contribution requirements for the individual Councils and/or specific locations - these draft rules only have a level of specificity for reserve/community facility contributions – which reflect the current % charged in the existing district plans. I have no information to base the % reserve contribution on, so this is something you should probably consider further within your individual Councils.
 - Include a formula but not the \$ amount in the financial contributions rules
 - Provide guidance on how decisions will be made to waive/reduce financial contributions.

DRAFT RULES

4. The draft Rules are contained in Appendix Three. While these have been discussed with the Technical Advisory Team, it should be noted that there is still further engagement and review to be undertaken by the infrastructure parts of the three Councils. They have indicated areas where they need to undertake more assessment and in particular to do some case study work to ensure that the formulae used in the draft Rules will provide the correct quantum of contribution for expected infrastructure requirements of developments.
5. A key matter to note is that financial contributions cannot be charged for Building Consents. The draft Plan provides a much more permissive framework for development (ie there are more Permitted Activities) than the three district plans currently provide – particularly in urban areas. This is intentional in that it should support necessary housing development in the main centres where housing shortages are currently being felt. But the implication of this is that the Councils will need to fund infrastructure to support these Permitted developments – whereas there may have been assumptions of financial contributions being undertaken.
6. TTPP staff have also stressed to the Council infrastructure teams, a Development Contributions framework (under the Local Government Act) would be the way to address this issue – as under this framework Development Contributions can be taken at Building Consent

stage. TTPP staff remain concerned that the ability to take Financial Contributions in the future is by no means guaranteed and continue to urge the three Councils to undertake the necessary work to put in place a Development Contributions framework.

7. Bearing this in mind, the draft Rules have been prepared on the basis that in the future some or all of the Councils will develop a Development Contributions framework – and that the draft Rules, as much as possible, would fit with such a future approach.

NEXT STEPS

8. While these draft Rules are proposed for inclusion in the draft TTPP for consultation, there will be a parallel process of the district councils' technical staff continuing to refine and test the provisions for appropriateness.

APPENDIX ONE: DRAFT FINANCIAL CONTRIBUTIONS OBJECTIVES AND POLICIES

Financial Contributions Objectives	
FC - O1	Through the use of financial contributions, the West Coast's infrastructure is able to meet the demands generated by subdivision, land-use and development and will not adversely affect natural and physical resources, or compromise the quality of service provided to existing use
FC - O2	To ensure that new activities and development contributes fairly and equitably towards the costs of avoiding, remedying, mitigating or offsetting adverse effects on the environment and infrastructure resources of the West Coast.
Financial Contributions Policies	
FC - P1	To require financial contributions as a condition of subdivision, development and land use consents to remedy or mitigate adverse effects created by the need to create, extend or upgrade public infrastructure, reserves and community facilities as a result of the subdivision, use or development.
FC - P2	Financial contributions shall be applied in a fair and equitable manner that: <ul style="list-style-type: none"> a. Is financially transparent; b. Reflects the adverse effects and demand on services and facilities generated by the subdivision, land use or development; c. Is complementary to the Council's other financial management policies; and d. Takes into account any costs incurred in taking, holding and allocating the financial contributions.
FC - P3	Financial contributions may be taken in the form of cash, land, works or a combination of these in discussion with the applicant but at the final discretion of the Council.
FC - P4	Where land is provided by way of a financial contribution to ensure that such land shall be suitable for the intended use bearing in mind the community to be served.
FC - P5	To use financial contributions in money to provide additional capacity, and to meet the need for community infrastructure and facilities that arise from the activity. This shall include roading, cycling and walking access, car parking, service lanes, water supply, wastewater, stormwater, parks, reserves, recreation facilities and community facilities.
FC - P6	To provide for offsetting or compensation for environmental effects, including those on significant natural areas, outstanding landscapes and historic heritage, where these cannot be avoided, remedied or mitigated and the activities have specific spatial location requirements such as mineral extraction and infrastructure

APPENDIX TWO: CONTEXT AND BACKGROUND INFORMATION FOR FINANCIAL CONTRIBUTIONS

1. The RMA allows for councils to require the payment of financial contributions to achieve the environmental outcomes expressed through its objectives and policies. The use of subdivision provisions in plans has been one of the key ways that councils have been able to assess the need for a contribution to be paid, and for collection to occur. Generally, the need for a financial contribution would be identified through a subdivision consent application, and collection would occur prior to the release of any s224C from the council.
2. Under s108(2)(a) of the RMA, financial contribution conditions can be imposed. Such conditions must be in accordance with the purposes specified in the plan and the level of contribution needs to be determined as set out in the plan. Note however that financial contributions policies in proposed plans do not have legal effect until a decision on submissions has been made and notified (s86B).
3. Financial contribution conditions either require a contribution of money or land or can be a combination of the two (s108(9)).
4. Financial contributions can assist with the costs of providing infrastructure for developments and providing for the recreational needs of the community. Funds can also be used to provide upgraded or additional servicing or to acquire or enhance land or assets for recreation and community purposes. Councils must specifically use these monies collected for the purposes they are intended.
5. Financial contributions can be taken to provide off site 'offset' mitigation, e.g., where the adverse effects of replacing a bridge on a riverbed habitat cannot be avoided or satisfactorily mitigated, a financial contribution could be used to improve the riverbed habitat elsewhere as part of a wider riverbed restoration programme.

CURRENT PLAN APPROACHES

6. The current plans take similar approaches to financial contributions. Currently these are the sole source of revenue from development for infrastructure servicing needs, as none of the three Councils are taking Development Contributions under the LGA.
7. While these financial contributions provisions do focus on infrastructure servicing, there are also provisions for the taking of financial contributions to offset environmental effects.
8. The full rules are attached at Appendix Two and summarised below:

Westland

9. Rules provide that financial contributions can be taken apply to all Papakainga housing and subdivision with some contributions also applied to new residential building within the rural zone and mining activities in the rural zone.
10. There are a wide range of infrastructure contributions – road upgrading; access and new roads; sewerage upgrading; sewerage connection and new systems; and potable water supply.
11. Infrastructure contributions are for 100% of the full cost except for road and sewerage upgrading where only 50% of the costs are sought. Staff have advised this is unaffordable and a key provision they would like to alter.
12. Cash in lieu of on-site carparking is required of current market value of 35m² of land in the zone per parking or loading space required by the vehicle parking standards of the plan
13. Contributions of full costs are required for electricity and telephone works.
14. Landscaping and planting, fencing and screening are also identified as full cost contributions.
15. Earthworks are identified as a full cost contribution – for a combination of infrastructure development and remediation of environmental effects
16. Recreation facilities – 5% of the value of each new allotment/the value of 4000m² of each allotment, whichever is the lesser (Min and max charge stated in the Annual Plan)
17. Esplanade reserves and strips = full costs of vesting/contributing & value of land, surveying & conveyancing to a max 20m width
18. Protection of natural areas and significant landscapes – where required not exceeding the amount calculated for recreational facilities contributions
19. Protection of heritage items or wāhi tapu – where required not exceeding the amount calculated for recreational facilities contributions

20. Verandahs in Hokitika town centre are also specified as a financial contribution
21. Mining requires financial contributions for landscaping, land restoration and roading as matters of discretion
22. A key concern of Westland DC staff is that financial contributions are by activity – so an approach taken by developers to avoid paying the conditions is to apply for the subdivision and then later apply for the landuse consent. This has meant in particular that emergency services and hospitals are not paying financial contributions.

Grey

23. Financial contributions are District Wide
24. Infrastructure, Esplanade and Earthworks contributions are the same as Westland except:
 - a. Road upgrading 50% of costs of road formation and land acquisition, 100% of costs for newly created separate frontages, kerb and channel, berms, footpaths, crossings and street lighting
 - b. Sewerage upgrading 100% of costs
25. Cash in lieu of carparking costs are current market value of 25mw of land in the zone per parking or loading space and construction costs – max amount \$1500 + GST/carpark
26. Reserve contributions – 2% of the value of each new allotment/the value of 4000m2 of each allotment, whichever is the lesser
27. Development Contribution for recreation/community/reserves - Developments of a value of over \$500,000 shall be subject to a financial contribution of up to 0.5% of the value of the building work, paid at the time of issue of the building consent.
28. General provision to take a financial contribution to avoid, remedy or mitigate identified adverse effects

Buller

29. Financial contributions are District Wide
30. Infrastructure, Esplanade and Earthworks contributions are the same as Westland except:
 - a. Road upgrading -100% of costs
 - b. Sewerage upgrading 100% of costs
 - c. Street lighting is specifically identified with 100% of costs
 - d. Private ways and accessways are specifically identified with 100% of costs
31. Cash in lieu of carparking – Current market value of 35mw of land in the zone per parking or loading space
32. Landscaping and planting, fencing and screening are also identified as full cost contributions.
33. Contributions of full costs are required for electricity and telephone works
34. Open Space, Recreation and Reserves Contributions
 - o Where >10 allotments land suitable for development of a reserve
 - o For each additional allotment of <1ha 7.5% of land value
 - o For each additional allotment of 1-5ha 5% of land value
 - o For each additional allotment over 5ha 2.5% of land value of no greater than 10ha each allotment
 - o Development Contribution for recreation/community/reserves - Developments of a value of over \$500,000 shall be subject to a financial contribution of up to 0.5% of the value of the building work.
35. Buller staff have identified that there have been issues with the wording of the reserves contribution – when allotments are split out to create a new title they are able to avoid paying reserve contributions.

OTHER COUNCIL APPROACHES

36. A scan across different Councils that use financial contributions in their second-generation plans has been undertaken and this has been used to help develop draft provisions for the West Coast

APPENDIX THREE: DRAFT FINANCIAL CONTRIBUTIONS RULES

FC -R1 Financial Contributions as Conditions of Consent

1. A condition may be imposed on a subdivision or land use consent to require the applicant, including network utility operators and/or requiring authorities, to make a financial contribution for the following purposes:
 - i. The mitigation of potential adverse effects arising from the activity;
 - ii. Securing environmental compensation generating positive effects to offset any adverse effects of the subdivision, use or development that cannot be avoided, remedied or otherwise mitigated;
 - iii. Providing and/or upgrading public network utility services and transport infrastructure;
 - iv. Providing and/or upgrading public reserves and community facilities; and
2. No financial contribution is payable for:
 - i. Additions and alterations to dwellings;
 - ii. A dwelling replacing one previously on the site;
 - iii. An approved boundary adjustment;
 - iv. An approved subdivision creating a certificate of title solely for a work or utility;
 - v. A business activity upon application for a building consent where there is no impact on the service network;
 - vi. An additional allotment where such land is set aside for ecological, historic heritage or cultural protection in perpetuity; and
 - vii. Infrastructure for which a financial contribution has been made previously.
3. Where roading or three waters infrastructure upgrades or extensions necessary to meet the requirements of the proposed land-use, development or subdivision are proposed in the relevant District Council's Long Term Plan, but the proposed land-use, development or subdivision requires that the planned works be undertaken earlier than planned for in the Long Term Plan, then the Council will require the developer to meet the full cost of the upgrades and extensions including interest on loans subject to the following:
 - i. Council may, at its discretion, and guided by its financial strategy, agree to contribute to the funding at the time the infrastructure is required by the proposed land-use, subdivision or development;
 - ii. Agreements shall be made in writing between the developer and the Council, and shall state the amount of the financial contribution and timing of any payments to be made;
 - iii. In the event that the Council does not contribute to the funding at that time, the developer will be reimbursed by the Council;
 - iv. Agreed reimbursement will be made no later than at the time the extension or upgrade would otherwise have been undertaken as set out in Council's Long Term Plan; and
 - v. Reimbursement will not include interest additional to that which would have been payable by the Council, had the upgrades or extensions been undertaken at the time proposed in the Long Term Plan.

FC - R2 Nature of Financial Contributions

1. Financial contributions may, at Council's discretion, take the form of money or land or a combination of money and land;
2. Financial contributions shall not be imposed on a use, development or subdivision for the same purpose as a development contribution that is required, or has already been paid in relation to that use, development or subdivision;
3. Where a financial contribution is, or includes the payment of money, the Council may specify any one or more of the following in the conditions of the resource consent;

- a. The amount to be paid by the consent holder;
 - b. How the payment is to be made, including whether payment is to be made by instalment and whether bonding or security can be entered into;
 - c. When the payment is to be made:
 - i. In the case of subdivision, generally before uplifting the section 224 certificate;
 - ii. In the case of land use, at the time of issue of the resource consent;
 - d. If the amount of the payment is to be adjusted to take account of inflation and if so, how the amount is to be adjusted; and
 - e. Whether any penalty is to be imposed for default in payment and if so, the amount of the penalty or formula by which the penalty is to be calculated.
4. Where a financial contribution is, or includes land, the Council may specify any one or more of the following in the conditions of the resource consent:
 - a. The location and area of the land;
 - b. The state the land is to be in before vesting in or transferring to the Council; and
 - c. The purpose of the land if it is to be classified under the Reserves Act 1977, or the general purpose of the land.
 5. When and how the land is to be vested in, or transferred to the Council or other infrastructure provider. In the case of subdivision consent the land shall be vested on the deposit of the survey plan under section 224 of the Act, or transferred as soon as legal certificate of title is available; and
 6. Where any land is to be vested in Council or other infrastructure provider as part of a financial contribution a registered valuer shall determine its market value at the date on which the resource consent (imposing the financial contribution condition) commenced under section 116 of the Resource Management Act 1991.

For the purposes of this rule, 'market value' has the same meaning as defined in the International Valuation Standard, as adopted by Australian Property Institute 2008 and Property Institute of New Zealand 2009, which is as follows:

'Market Value is the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's length transaction, after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion.'

This rule does not apply to land that is to be vested in Council as a financial contribution in circumstances where the value of the land does not need to be determined.

FC - R3 Calculation of Financial Contributions - Roads

1. The maximum contribution required for the development, maintenance and upgrading of roads that serve a subdivision, land use or development shall be 100% of the estimated cost.
2. Where a development or subdivision will generate traffic effects that require the sealing, widening or upgrading of a road, the financial contribution shall be calculated as the cost of upgrading the road to the required level of service specified in the relevant District Council's Code of Practice that is directly attributable to the development or subdivision or where no such Code of Practice exists, the standard required by NZS 4404:2010 Land Development and Subdivision Infrastructure.
3. Roading contributions include requirements for streetscape improvements (e.g. street trees, planter boxes) as outlined in the relevant Council's Code of Practice.
4. Financial contributions for roading will be calculated in accordance with the following formulae based on the number of new allotments created:
 - i. Financial contribution for subdivision - based on number of new allotments created:

Contribution = Cost of forming or upgrading road to the nearest Allotment boundary of the site + Cost of upgrading road along the frontage of the site

$$C_p = \frac{D_1 \times R_c \times L_g}{L_e + L_g} + \frac{D_2 \times R_c}{2}$$

Where

C_p = Value of contribution (\$)

D₁ = Length of road (km) required to be upgraded to the closest boundary of the site

D₂ = Length of road frontage (km) along the application site. If the development is on both sides of the road the length along both frontages shall be added together.

L_e = Total number of existing allotments fronting to the road to be upgraded measured as D₁

L_g = Number of new allotments created in the proposed subdivision

R_c = Cost (\$/km) of improving the affected section of road to the level required as determined by the predicted traffic volume and road hierarchy.

ii. Financial Contribution for Land-use and Development - Based on traffic generation:

Contribution = Cost of upgrading road to the nearest boundary of the site multiplied by the total traffic to be generated by the proposal + cost of upgrading road along the frontage of the site

$$C_p = \frac{D_1 \times R_c \times T_g}{T_e + T_g} + \frac{D_2 \times R_c}{2}$$

Where

C_p = Value of contribution (\$)

D₁ = Length of road (km) required to be upgraded to the closest boundary of the site

D₂ = Length of road frontage (km) along the application site. If the development is on both sides of the road the length along both frontages shall be added together.

T_e = Total amount of traffic currently using this road (as vehicles per day, AADT)

T_g = Total amount of traffic generated by the development (as vehicles per day, AADT)

R_c = Cost (\$/km) of improving the affected section of road to the level required as determined by the predicted traffic volume and road hierarchy.

FC - R4 Full Cost Financial Contribution for Roads

1. The following roads which are at capacity for their structure are unable to accommodate additional loadings. The financial contribution for these roads shall be the full cost to accommodate the additional loadings and to bring the road up the relevant District Council's Engineering Code of Practice standard for its place in the road hierarchy or where no such Code of Practice exists, the standards in NZS 4404:2010 Land Development and Subdivision Infrastructure.
2. This rule applies to the following roads:
 - i. Awaiting information on whether there are any roads to be included from the infrastructure teams

FC - R5 Financial Contributions for Vehicle Parking

1. A financial contribution for vehicle parking may be required where the on-site accessible parking, on-site bicycle parking, on-site trailer/boat parking requirements cannot be achieved as required for the activity in the zone. A financial contribution may also be charged for EV charging spaces. The financial contribution will be charged based on the following formula for each accessible, trailer/boat park or EV charging space and for every 5 bicycle parks not provided.

Contribution = value of land required + Cost of construction

$$Cp = (VI \times A) + (D \times A)$$

Where:

Cp = Value of contribution (\$)

VI = Value of 35m² of land in the vicinity of the off-site vehicle parking/EV charging area as determined by an independent registered valuer

A = Number of vehicle parks required to make up the on-site shortfall where 5 bicycle parks equate to 1 carpark

D = cost of construction of 35m² of parking area to a permanent asphaltic concrete or concrete surface, including earthworks, pavement, kerbing, drainage and marking determined either by an independent cost assessment or from the current Construction Price Index.

2. The financial contributions taken by the Council in lieu of the on-site vehicle parking shall be used to provide, upgrade or extend public vehicle parking in the vicinity of the location from which it is collected. It may also be used to contribute towards the cost of vehicle parking facilities that have already been constructed.

3. The Council may reduce the value or waive the contribution in one or more of the following circumstances:

- i. The Council has not provided or does not intend to provide additional off-site vehicle parking or EV charging in the vicinity of the site;
- ii. The Council has provided vehicle parking/EV charging or intends to do so, but this has been or will be funded through a different funding source in Council's Long Term Plan, such as user fees and charges; or
- ii. The site contains a Historic Heritage resource scheduled in this plan and the reduction will enable the continued use of the building and support its protection or conservation.

FC - R6 Financial Contribution for Service Lanes

1. Where the District Plan indicates the formation and vesting of land for the purpose of a service lane, or the upgrading of a service lane, a development or subdivision of the land shall include a condition requiring the land to be formed to the standards specified in the relevant District Council's Engineering Code of Practice or where no such Code of Practice exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.

FC - R7 Financial Contribution for Water Supply

1. Financial contributions will be required to ensure a supply of:
 - i. Potable drinking water for human consumption (complying with the NZ Standard for Drinking Water);
 - ii. Water for industrial and commercial activities;
 - iii. Water for firefighting and irrigation; and
 - iv. Where proposed allotments, sites or buildings are intended for human habitation or occupation.

2. The maximum contribution required for the development and upgrading of water supply infrastructure that serve a subdivision, land use or development shall be 100% of the estimated cost. Reticulation shall be designed and constructed to meet the relevant District Council's Code of Practice for Engineering, or where no such Code of Practice exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.
3. Where an existing potable drinking water supply is available and the Council determines there is adequate capacity for meeting the needs of the proposed activity the financial contribution shall be the full and actual costs of providing all the necessary reticulation to serve the proposed allotments, sites and buildings.
4. Where no supply is available, or the capacity of the supply is inadequate, the financial contribution shall be the full and actual costs of providing a supply and/or increasing the capacity, if necessary, together with the cost of reticulation within the subdivision or land use.

FC - R8 Financial Contribution for Wastewater Treatment and Disposal

1. Financial contributions will be required to maintain the health and public safety and amenity of inhabitants or occupants and to protect the natural environment from harmful disposal of wastewater where new allotments, sites or buildings are intended for human habitation or occupation.
2. The maximum contribution required for the development and upgrading of wastewater disposal infrastructure that serve a subdivision, land use or development shall be 100% of the estimated cost. Reticulation shall be designed and constructed to meet the relevant District Council's Code of Practice for Engineering, or where no such Code of Practice exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.
3. Where an existing wastewater treatment system is available and the Council determines there is adequate capacity for meeting the needs of the proposed activity the financial contribution shall be the full and actual costs of providing all the necessary reticulation to connect the proposed allotments, sites and buildings.
4. Where no wastewater system is available, or the capacity of the supply is inadequate, the financial contribution shall be the full and actual costs of disposal and/or increasing the capacity, including design and investigation, acquiring sufficient land for on-site land based treatment and disposal of wastewater likely from the activities on the site, together with the cost of reticulation within the subdivision or land use.

FC - R9 Financial Contribution for Stormwater Treatment and Disposal

1. Financial contributions will be required to prevent damage and loss of property and amenity from uncontrolled run-off and to protect the natural environment from harmful disposal of stormwater where new allotments, roads and/or other impervious surface are created by subdivision or land use and create a need for stormwater disposal and/or treatment.
2. The maximum contribution required for the development and upgrading of stormwater treatment and disposal infrastructure that serve a subdivision, land use or development shall be 100% of the estimated cost. Stormwater reticulation and any stormwater treatment devices shall be designed and constructed to meet the relevant District Council's Code of Practice for Engineering, or where no such Code of Practice exists, NZS 4404:2010 Land Development and Subdivision Infrastructure.
3. Where an existing stormwater piped outfall or stormwater treatment system is available and the Council determines there is adequate capacity for meeting the needs of the proposed activity the financial contribution shall be the full and actual costs of providing for the conveyance of stormwater to the outfall or treatment system.
4. Where there is no stormwater piped outfall or treatment system (and treatment is required), or the capacity of the piped outfall or treatment system is inadequate, the financial contribution shall be the full and actual costs of providing for the treatment and disposal and/or increasing the capacity, together with the cost of reticulation within the subdivision or land use.

FC - R10 Financial Contribution for Reserves and Community Facilities

1. Financial contributions will be required to provide for open space, recreational and community facilities to address the need for these facilities created by subdivision and development in the locality where new allotments or residential units are created.
2. The maximum contribution shall be required as follows:
 - i. A percentage value (differing by district as outlined further below) of the additional allotments at the time of subdivision consent (either in cash or land equivalent, at Council's discretion) except that in the case of subdivisions where allotments are greater than 4000 m², the value of the rural allotment for this purpose shall be the proportional value of a house site of 1,000m² within each allotment:
 - a. In the Buller District 7.5% of the value of additional allotments;
 - b. In the Westland District 5% of the value of additional allotments;
 - c. In the Grey District 2% of the value of additional allotments.
 - ii. Cash equivalent of the value of 20m² of land for each additional residential unit created, at the time of building consent, less any contribution made at the time of previous subdivision within the preceding five years; and
 - iii. Cash equivalent of the value of 4m² of land for each additional 100m² of net, non-residential building floor area created, at the time of building consent, less any contribution made at the time of previous subdivision within the preceding five years.

FC - R11 Financial Contribution for Cycle and Walkway Access (Shared Pathways)

1. The maximum contribution required for the development, maintenance and upgrading of shared pathway infrastructure that serve a subdivision, land use or development shall be 100% of the estimated cost.
2. Where a development or subdivision will generate effects that require the creation or upgrading of a shared pathway access, the financial contribution shall be calculated as the cost of building or upgrading the shared pathway to the required level of service specified in the relevant District Council's Code of Practice that is directly attributable to the development or subdivision or where no such Code of Practice exists, the standard required by NZS 4404:2010 Land Development and Subdivision Infrastructure.

FC - R12 Financial Contribution for Mitigation, Offsetting and Compensation for Adverse Environmental Effects on Natural Landscape Values or Biodiversity Values

1. The maximum financial contribution for mitigation, offsetting or compensation for adverse environmental effects on outstanding natural landscape values, areas of significant indigenous vegetation or areas of significant habitat of indigenous fauna will be the amount of money needed to fully mitigate, offset or compensate (or any combination of these three) any adverse environmental effects that cannot otherwise be avoided, remedied or mitigated.
2. In assessing the level of financial contribution required for biodiversity offsetting and compensation the principles in Policy ECO - P7 will be adhered to.

Prepared for: Te Tai o Poutini Plan Technical Advisory Team
Prepared by: Lois Easton, Principal Planner
Date: September 2021
Subject: **Scenic Visitor Zone –Draft Objectives, Policies and Rules**

SUMMARY

This report brings proposed Objectives Policies and Rules for the Scenic Visitor Special Zone that is intended to apply at Punakaiki, Franz Josef/Waiiau and Fox Glacier/Weheka. The extent of the zone is proposed as the existing commercial areas, with some expansion provided at both Franz Josef/Waiiau and Fox Glacier/Weheka.

The Scenic Visitor Special Zone recognises the unique features of these townships – with relatively small permanent populations in the few hundreds, but annual visitor numbers in the hundreds of thousands. The Zone also recognises the amenity and scenic values that exist in the locations, with Punaikaiki on the edge of the Paparoa National Park and within an Outstanding Natural Landscape, and Franz Josef/Waiiau and Fox Glacier/Weheka being on the edge of Te Wahipounamu – South West New Zealand World Heritage Area and Tai Poutini/Westland National Park.

These three areas are already recognised for their special nature, with specific rules in the Buller and Westland and District Plans respectively.

This report brings proposed Objectives, Policies and Rules for the Scenic Visitor Zone to the Committee for feedback.

RECOMMENDATIONS

1. That the information be received
2. That the Committee provide feedback on the draft Objectives, Policies and Rules for the Scenic Visitor Zone.

Lois Easton
Principal Planner

BACKGROUND

1. The settlement centres of Franz Josef/Waiau, Fox Glacier/Weheka and Punakaiki are all currently subject to specific zones which reflect their status as major locations for visitor activity. Franz Josef/Waiau and Fox Glacier/Weheka are currently located in a Tourist Commercial Zone, and Punakaiki in a Scenically Sensitive Commercial Zone.
2. Originally staff proposed the development of a High Visitor Residential Zone alongside the identification of a High Visitor Commercial Zone, however there was considerable concern expressed by the Punakaiki community around this proposal. As a consequence, the residential areas of Punakaiki have been included in the Coastal Settlement Precinct.
3. After careful consideration, staff consider that generally the Settlement Zone should also work for the Franz Josef/Waiau and Fox Glacier/Weheka residential areas – although a Concept Plan for the Franz Josef/Waiau Settlement Zone area (which will be referred to in the subdivision rules) is likely to be developed by the Westland District Council for inclusion in Te Tai o Poutini Plan (TTPP), as well as the potential use of a Future Urban Zone for the movement of Franz Josef/Waiau northwards.
4. Over the development of the Plan, staff have looked at the options for zoning the Commercial areas of the three towns with one of the national planning standards zones (e.g. Town Centre, Local Centre) or a TTPP precinct (Settlement Centre Precinct) but none of these really fit with the character of the areas.
5. With the development of the draft Franz Josef/Waiau Strategy, it is clear that as well as the need to move activities away from the more hazardous areas, a greater focus on design – reflecting the wider landscape and natural character values, will be appropriate for future development and redevelopment.
6. As a result, staff have returned to the idea of a High Use Visitor Special Zone (renamed a Scenic Visitor Zone to better capture the design issues) for the commercial parts of the three towns.
7. This paper brings proposed Objectives, Policies and Rules for the zone to the Committee for feedback.

MATTERS TO CONSIDER IN DEVELOPING OBJECTIVES, POLICIES AND RULES

8. Analysis of the key matters to consider in developing Objectives, Policies and Rules for the Scenic Visitor Zone is outlined in Appendix One.
9. Draft Objectives and Policies have been adapted from the Settlement Zone and Town Centre Zones but referencing the strategic direction for the three townships. In the case of Franz Josef/Waiau, a Concept Plan is intended to be included within TTPP so this is specifically referenced. Similarly, the Punakaiki Masterplan has been developed for that township and is referenced in policy.

Scenic Visitor Zone Objectives	
SVZ - O1	To provide for visitors and the community needs in the Fox Glacier/Weheka, Franz Josef/Waiau and Punakaiki townships in a way that delivers protection of the unique values that attracts visitors and benefits the local and regional economies and communities.
SVZ - O2	To support the expansion of the Fox Glacier/Weheka and Franz Josef/Waiau townships in areas of lower risk of natural hazards and reduce the risk where existing development is located in high risk locations.
Scenic Visitor Zone Policies	
SVZ - P1	Provide for growth and change to the Fox Glacier/Weheka, Franz Josef/Waiau and Punakaiki townships that: <ol style="list-style-type: none"> a. Supports the long term viability of the commercial areas and the communities that support them; and b. Recognises the unique scenic qualities of the environments and does not compromise the dominance of the natural landscape setting in which the townships are located.

SVZ - P2	Provide for new commercial development areas beyond the current Fox Glacier/Weheka and Franz Josef/Waiau centres where these are at lower risk from natural hazards and avoid areas of high hazard risk.
SVZ - P3	Recognise the significance of the three townships to the wider visitor economy of the West Coast and enable the further development of these areas as world class visitor destinations.
SVZ - P4	Support the development of appropriate tourism and visitor businesses such as accommodation, visitor attractions and tourism support facilities that relate to the scenic environment in which they are located.
SVZ - P5	Within the Scenic Visitor Zone ensure that sufficient sewerage, water supply, refuse disposal, roading, footpath, open space and parking infrastructure is provided as part of new development.
SVZ - P6	Require high quality design outcomes within the Scenic Visitor Zone that: <ul style="list-style-type: none"> a. Acknowledge and respond to the natural character and scenic landscape values of the area; b. Have appropriate controls on design and height to protect the landscape and natural character values and are undertaken in accordance with the Scenic Visitor Zone design guidelines; c. Create a safe and vibrant pedestrian environment with continuous verandah coverage in the Main Street Frontage of Franz Josef /Waiau; d. Recognise and provide for Poutini Ngāi Tahu cultural values; and e. Avoid the significant risks of natural hazards.
SVZ - P7	Implement the Franz Josef /Waiau Concept Plan and Punakaiki Masterplan to deliver on the long term aspirations for development in these areas.

DRAFT RULES

10. The draft Rules developed draw on the current Westland Tourist Zone and Buller Scenically Sensitive Zone as well as provisions in the new TTPP Town Centre Zone.
11. The rules proposed can be described as:
- For Punakaiki, being very similar to the current Buller District Plan, with some minor additional design requirements.
 - For Fox Glacier/Weheka and Franz Josef/Waiau being similar to the current requirements while adding in some of the design requirements from the Franz Alpine Resort/newer area of Franz Josef/Waiau.
12. The table below outlines the Permitted Activities and compares these with the current district plans in detail. The full draft Rules are attached at Appendix Two.

Permitted Activities	Permitted Activity Standards	Comparison with Westland Tourist Zone	Comparison with Scenically Sensitive Commercial
Commercial, Residential, Recreational, Conservation and Community Buildings and Activities	In all three locations <ul style="list-style-type: none"> • Setback 3m from settlement zone boundary • External storage and waste management screened from adjoining Settlement Zone or public road • Minimum 50m² outdoor living space/residential unit 	<ul style="list-style-type: none"> • Commercial and Residential Activities only Permitted • Setback 5m from residential zone boundary for side yard and 3m for rear yard except 2m/5m/3m at Franz Alpine Resort • External storage screened by a 1.8m fence or landscaped 	<ul style="list-style-type: none"> • Commercial, Recreational and Community Activities Permitted • Residential Activities Permitted only if accessory to above • No minimum setbacks • No external storage requirements • No outdoor living space requirements

Permitted Activities	Permitted Activity Standards	Comparison with Westland Tourist Zone	Comparison with Scenically Sensitive Commercial
	<ul style="list-style-type: none"> Noise attenuation required for residential/visitor accommodation next to State Highway and within 50dBA noise contour of Franz Josef Heliport 	<p>where adjoins residential zone boundary or any public place</p> <ul style="list-style-type: none"> Minimum 50m² outdoor living space/residential unit No noise attenuation requirements 	<ul style="list-style-type: none"> No noise attenuation requirements
	<p>At Fox Glacier/Weheka and Franz Josef/Waiau</p> <ul style="list-style-type: none"> Maximum building height 10m Building roof pitch and colour control; Building cladding control; Residential unit density 1 unit/200m² Max building coverage 60% except 80% for sites in the Franz Josef/Waiau Main Street Minimum 10% indigenous vegetation is retained on any site Design controls on Franz Josef/Waiau Main Street similar to Hokitika 	<ul style="list-style-type: none"> Maximum building height 4m for accessory buildings, 10m all other buildings Building roof pitch, colour, cladding all controlled at Franz Alpine Resort Residential unit density 1 unit/200m², Franz Alpine Resort/Franz Josef Developments in accordance with Concept Plans 100% for original area, 70% for Franz Alpine Resort 10% indigenous vegetation retention required at Franz Josef Developments, Tree retention requirements at Franz Alpine Resort Franz Alpine Resort also has detailed design guidelines. 	N/A
	<p>At Punakaiki</p> <ul style="list-style-type: none"> No indigenous vegetation clearance occurs as part of the activity; Roof colour has a reflectance value of 30% or recessive colours in grey/greens; Maximum site coverage is 60%; Residential activities are ancillary to a Commercial or Community activity 	N/A	<ul style="list-style-type: none"> No indigenous vegetation clearance occurs as part of the activity No roof colour requirements No site coverage requirements Residential activities are ancillary to a Commercial or Community activity

NEXT STEPS

13. Westland District Council are leading the consultation process around the Franz Josef/Waiiau strategy and development of a concept plan for the area. This consultation is expected to commence in the next month. Because of the timing, the draft provisions are proposed to be included in the Draft TTPP for feedback over early 2022, however the Franz Josef Concept Plan, and any amendment to provisions from that specific consultation process will be incorporated in the final Proposed Plan.

Appendix One: Key Matters Considered in the Development of Provisions for the Scenic Visitor Zone

CURRENT DISTRICT PLAN PROVISIONS

1. The current provisions for the Scenically Sensitive Commercial (Buller) and the Tourist Commercial (Westland) are summarised below.
2. The policy framework for both plans relates to natural resource issues (e.g., natural character, landscape) rather than the zones themselves.
3. Scenically Sensitive Commercial (Buller)
 - The strong natural character policy framework in Buller has driven the Scenically Sensitive Commercial Zone rules which are exceedingly restrictive.
 - The Zone provides for no new buildings/structures or additions as a Permitted Activity.
 - It also provides for no indigenous vegetation clearance as a Permitted Activity.
 - There is a maximum height limit of 7m.
 - Restrictions are placed on heavy and light vehicle trips generated by the non-residential activities.
 - The zone only provides for Commercial, recreational or community activities.
 - Discretionary activities are height limited to 10m.
4. Tourist Commercial (Westland)
 - There are two different approaches in this zone. The first reflects the original rules at the time of the notification of the Westland District Plan, and the second reflects the more recent developments – with two areas added to the zone in separate private plan changes.
 - The first approach is essentially just treating these areas as being very similar to other settlements in Westland and does not have much in the way of recognition of the special nature of the environment in which the settlements are located.
 - Rules under this original framework provide for:
 - Commercial and residential activities to occur in the zone
 - A maximum of 4m height for accessory buildings and 10m height for other buildings
 - Recession planes, building length and yards against residential and zone boundaries
 - 100% site coverage
 - A minimum lot size per dwelling of 200m² with a 50m² outdoor space requirement [a quick scan of the maps of the zone suggests the smallest lot is 347m² (at Fox Glacier/Weheka) and that quite a lot of entirely residential development at Franz Josef/Waiau has been undertaken within this zone.
 - Rules under the more recent Plan Changes framework are much more reflective of the need for care in design and retaining some of the amenity and landscape values of the Franz Josef/Waiau environment. Specifically:
 - The inclusion of Objectives and Environmental Outcomes for the Stony Creek development
 - The requirement to retain some indigenous vegetation for screening and to help better reflect the “alpine village in the bush” feel of the area
 - A requirement for a buffer from SH6
 - A lower max building coverage (to allow for vegetation retention and landscaping)
 - Limitations on the number of signs outside the commercial core
 - Specific design guidelines for development – including matters such as roofline pitch, materials and colour.
5. Feedback from the Westland District Council technical team is that along with recognition of the need for Franz Josef/Waiau to progressively move away from the Alpine Fault there is also a recognition that design improvements to the village are needed and that the desire is

to retain the amenity of an alpine village – recognising the spectacular World Heritage Area environment.

6. An additional consideration is that as the glaciers recede and Franz Josef/Waiau and Fox Glacier/Weheka become more reliant on the other aspects of the National Parks to continue to secure tourism numbers, that having a high - amenity built form will positively impact on this.
7. Similar issues arise in the Punakaiki Commercial Area although it is much smaller in size than Franz Josef/Waiau or Fox Glacier/Weheka.

PROPOSED APPROACH

Franz Josef/Waiau

8. Draft proposals from the draft Franz Josef/Waiau Strategy identify that Cron Street is intended to become the new town centre core, with requirements for verandahs and good pedestrian amenity. Additionally, draft changes to zoning in the wider area will actually reduce the amount of land zoned from the current Tourist Commercial zoning.
9. Scenic Visitor Zone is proposed for the “Commercial and Mixed Use” components of Franz Josef with specific verandah and frontage controls (similar to Hokitika) for the commercial core area.
10. For all the areas in Franz Josef/Waiau design requirements would apply which:
 - a. Promote the retention of some indigenous vegetation to provide amenity and the “in the mountains” feel of the township.
 - b. Encourage the use of appropriate materials and colours – but not have these as absolute rules
 - c. Support pedestrian movement and connectivity within the township.

Fox Glacier/Weheka Township

11. Fox Glacier/Weheka township is much more at the base of the mountains than within them, and growth of the town is expected towards Lake Matheson rather than the glacier. The main street (Cook Flat Road to Sullivan Road) doesn't really provide great pedestrian amenity, as it is split by the State Highway. Fox Glacier/Weheka township urban design is also strongly influenced by the presence of the large and visually significant White Pub Café and Bar which is in an historic heritage building.
12. However much of the area where it is proposed to extend the commercial activity is forested. This would place this new development in a similar landscape to Franz Josef and does represent an opportunity to improve the amenity of the town. On balance it is proposed that design requirements for Franz Josef should also apply to new development at Fox Glacier/Weheka, though it is not proposed to include any urban design requirements for the main street area.

Punakaiki Township

13. The commercial area of Punakaiki is fairly small – some of the area identified in the Buller Plan as Scenically Sensitive Commercial is now inside the Paparoa National Park. A sizable chunk of the private land is also currently vegetated – and subject to an Outstanding Natural Landscape and Outstanding Natural Character identification, as well as all of it falls within the Coastal Environment and is subject to natural hazard threats.
14. These considerations probably justify the current Buller approach of requiring resource consent for any activity which involves vegetation clearance with consents assessed in relation to the Coastal Settlement Guidelines. These matters are proposed to be addressed through specific controls (not a separate precinct) which refer just to the area at Punakaiki.

APPENDIX TWO: Draft Scenic Visitor Zone Rules

Permitted Activities	
SVZ - R1	Commercial, Visitor Accommodation, Residential, Recreational, Conservation and Community Buildings and Activities
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. Any building or structure is setback a minimum of 3m from any Settlement Zone boundary; 2. All external storage and waste management space is screened by landscaping so it is not visible from any adjoining Settlement Zone boundary or any adjoining public space; 3. Any residential activity must provide a minimum of 50m² outdoor living space for each residential unit which is separate from any parking and manoeuvring areas; 4. In the Punakaiki Scenic Visitor Zone: <ol style="list-style-type: none"> i. No indigenous vegetation clearance occurs as part of the activity; ii. Roof colour has a reflectance value of 30% or recessive colours in grey/greens; iii. Maximum site coverage is 60%; iv. Residential activities are ancillary to a Commercial or Community activity; 5. Maximum building height is: <ol style="list-style-type: none"> i. 7m in the Punakaiki Scenic Visitor Zone; and ii. 10m in the Franz Josef/Waiau and Fox Glacier/Weheka Scenic Visitor Zone; 6. In the Franz Josef/Waiau and Fox Glacier/Weheka Scenic Visitor Zone: <ol style="list-style-type: none"> i. Building roof pitch is between 8-35 degrees; ii. Roof colour has a reflectance value of 30% or recessive colours in grey/greens; iii. Buildings are clad in wood, plaster stone and/or profile metal sidings; iv. Accessory buildings are in the style, appearance and materials of the principal building; v. Residential unit density is a minimum of 1 unit per 200m² net site area; vi. Maximum building coverage is: <ol style="list-style-type: none"> a. 60%; except b. 80% for sites in the Franz Josef/Waiau Main Street Frontage area; vii. A minimum 10% of the indigenous vegetation is retained on on any site; 7. All buildings in the Franz Josef/Waiau Main Street Frontage area: <ol style="list-style-type: none"> i. Are located on the front boundary of the site with no setback from the street boundary except that a recess of up to 0.5m within the facade of the building is permitted; ii. Have a cantilevered continuous verandah to cover the full width of the footpath; iii. Have 50% of the ground floor facade devoted to display windows or 75% of its height for at least 50% of the ground floor building frontage; and iv. Have one public entrance with glazing comprising at least 40% of the doors. 8. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any Settlement Zone boundary except where neighbour's consent is provided to the Council. <p>This standard does not apply to:</p> <ol style="list-style-type: none"> 1. Road boundaries; 2. Buildings on adjoining sites that have a common wall along the boundary; 3. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; 	<p>Activity status where compliance not achieved: Restricted Discretionary where standard 3 is not complied with Discretionary where standards 1 - 2 and 4 - 6 are not complied with.</p>

<p>4. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or</p> <p>5. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically</p>	
<p>SVZ - R2 Residential and Visitor Accommodation Activities - Noise Attenuation</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. Any dwelling or visitor accommodation unit that is located: <ol style="list-style-type: none"> i. Within 80m of a State Highway with a speed limit of 70kph or greater, or within 40m of a State Highway with a speed limit of less than 70kph; or ii. Within the Outer Control (50dB L_{dn}) Air Noise Boundary of Franz Josef Heliport <p>Shall be designed, sited and constructed to ensure the internal noise levels for dwellings shall not exceed :</p> <ol style="list-style-type: none"> 1. <ol style="list-style-type: none"> i. 35 dB LAeq (1 hour) inside bedrooms; or ii. 40 dB LAeq (1 hour) inside other habitable spaces. iii. This standard must be achieved with the windows open unless adequate alternative ventilation that complies with the Building Code is provided. 	<p>Activity status where compliance not achieved: Discretionary</p>
<p>SVZ - R3 Minor Structures</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. Masts, poles, aerials and pou whenua must not exceed 7m in height; 2. Any antenna dish must be less than 1m in diameter; 3. Any ornamental structure must not exceed 2.4m in height; and 4. Any other structure must not exceed 10m² and 2m in height. 	<p>Activity status where compliance not achieved: Discretionary</p>
<p>SVZ - R4 Fences, Walls and Retaining Walls</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. Fences, walls and retaining walls are a maximum 2m height above ground level; and 2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall. 	<p>Activity status where compliance not achieved: Discretionary</p>
<p>SVZ - R5 Relocated Buildings</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. All standards for Rule SVZ - R1 are complied with; 2. The building was constructed within the 10 years prior to location on the site; 3. Is established on foundations complying with the Building Code at the time of relocation. 	<p>Activity status where compliance not achieved: Discretionary</p>
<p>Restricted Discretionary Activities</p>	

SVZ - R6	Commercial, Visitor Accommodation, Residential, Recreational, Conservation or Community Buildings and Activities not Meeting Rule SVZ - R1	
Activity Status Restricted Discretionary		Activity status where compliance not achieved: Discretionary
Where: <ul style="list-style-type: none"> 1. This is in the Punakaiki Scenic Visitor Zone; and 2. Indigenous vegetation clearance is proposed as part of the activity; and 3. All other performance standards for Rule SVZ - R1 are complied with. Discretion is restricted to: <ul style="list-style-type: none"> a. Design and location of buildings, structures, carparking and vehicle access; b. Extent of indigenous vegetation clearance; c. Effects on Poutini Ngāi Tahu Cultural values; d. Effects on natural character and landscape values; and e. Effects on biodiversity and wildlife values. 		
Discretionary Activities		
SVZ - R7	Commercial, Residential and Community Buildings and Activities not meeting Permitted or Restricted Discretionary Activity Rules.	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
SVZ - R8	Minor Structures, Relocated Buildings, Fences, Walls and Retaining Walls not meeting Permitted Activity Rules	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
Non-complying Activities		
SVZ - R9	Industrial Activities	
Activity Status Non-complying		Activity status where compliance not achieved: N/A
SVZ - R10	Any Activity that is not a Permitted, Restricted Discretionary or Discretionary Activity	
Activity Status Non-complying		Activity status where compliance not achieved: N/A

Prepared for: Te Tai o Poutini Plan Committee
Prepared by: Lois Easton, Principal Planner
Date: September 2021
Subject: **Jackson Bay Port Zoning Provisions**

SUMMARY

This report gives an update on approach to zoning at Jackson Bay Port area in Te Tai o Poutini Plan (TTPP).

The Jackson Bay Port area is located mostly in the coastal marine area and on road reserve, however there are 3 lots used for port activities in the settlement.

This paper proposes an approach and draft Permitted Activity rules for the zoned land associated with the port.

RECOMMENDATIONS

1. That the Committee receive the report.
2. That the Committee provide feedback on the proposed approach to zoning and rules for Jackson Bay Port.

Lois Easton

Principal Planner

BACKGROUND

1. When developing the Port Zone provisions it became clear that what was wanted for Greymouth and Westport Port is a reasonably enabling heavy industrial zone, which provides for the ongoing operation and development of these areas for a wide range of port uses. As the zone provisions were developed however it became clear that these weren't necessarily compatible with the environment at Jackson Bay, and so Jackson Bay is proposed to be excluded from the Port Zone.
2. This report brings back the proposed approach to managing Port activities and zoning at Jackson Bay.

CURRENT WESTLAND DISTRICT PLAN APPROACH

3. Jackson Bay Port is mostly located within the coastal marine area (the pier) with landside activities operating under existing use rights or resource consent within the Coastal Settlement Zone and on Council road reserve which is zoned Rural. The Port activities as such are essentially made up of the pier, the carpark and boat ramp, the Cray Pot, the Fiordland Lobster Jackson Bay Depot, a Talleys Fisheries Depot and a yard storage area on the corner of The Esplanade and Pier St. Of these, the Fiordland Lobster and Talley's Fisheries Depot and the storage yard are on a specific title – the Cray Pot is on road reserve adjacent to The Esplanade.



Current Zoning



The Cray Pot and Pier



Fiordland Lobster and Talley's Fisheries Buildings.



Carparking/storage yard

4. The Coastal Settlement Zone is a fairly restrictive one with the rules providing only for residential and recreational activities on a Permitted basis, with any non-residential activity requiring a Discretionary Activity consent.
5. The policy framework within that zone doesn't really anticipate non-residential activities – although there are a number of community and business activities established within these settlements.

APPROPRIATE ZONING IN TTPP

6. Essentially the land that can be zoned within the "port area" of Jackson Bay is three areas and associated road reserve as shown on the map below and with the legal description of Section 209 TN OF Arawata (The Esplanade Site with Talleys/Fiordland Lobster), Section 208 TN OF Arawata (Yard Storage) and Section 210 TN of Arawata (minor ancillary activity in a small building). Two lots are approximately 6000m² in size and the other is 1000m².
7. Discussion with Westland District Council staff has concluded that, given the location, Settlement Zone – Coastal Settlement Precinct is appropriate zoning, but in order to recognise the port function Specific Controls be provided for on the Talleys and Fiordland Lobster Lot and potentially also the lot used for Yard storage.



8. These Specific Controls would provide for additional Jackson Bay Port Activities of:
 - a. Cargo handling, including the loading, unloading, storage, processing and transit of cargo (including fish);
 - b. Passenger handling, including the loading, unloading and transit of passengers including passenger or cruise ship terminals;
 - c. Port administration;
 - d. Facilities for recreational boating;
 - e. Activities associated with surface navigation;
 - f. Ancillary buildings, structures, utilities, signs, parking, landscaping, offices and other facilities.
9. The activities would still need to meet the basic Coastal Settlement Permitted Activity requirements:
 - a. 5m max height;
 - b. Maximum building site coverage of 40% equating to 2400m² of each site – currently an estimated 400m² of buildings, 200m² of sealed carpark and further 400m² of

- unsealed carpark is developed on the site closest to the Cray Pot, and an estimated 100m² of buildings/containers and a 2000m² unsealed carpark is developed on the Esplanade;
- c. Specific allowance for 1m setback from the road (the current buildings are 1m set back)
 - d. Maximum building size 200m².
10. Permitted Activities within the Settlement Zone – Coastal Settlement Precinct would also be able to occur on the site including:
- a. Residential activities
 - b. Community facilities
 - c. Retirement Homes
 - d. Papakāinga development
 - e. Retail activities
 - f. Agricultural, horticultural and pastoral activities
 - g. Recreation activities
 - h. Conservation activities
11. As for other Coastal Settlement Precinct sites other Commercial Activities would be a Discretionary Activity and Industrial activities (other than the Jackson Bay Port Activities) would be a non-complying activity.

NEXT STEPS

12. The proposed rules for the Jackson Bay port area will be included in the draft Plan for consultation.



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee
Prepared by: Lois Easton, Principal Planner
Date: September 2021
Subject: **DRAFT Town Centre Design Guidelines – Reefton and Hokitika**

SUMMARY

This report brings proposed guidelines for the Reefton and Hokitika Town Centres to the Committee for review.

The Design Guidelines are intended to assist developers and Council staff interpret the requirements for the Town Centre Zone.

The Design Guidelines are not a Rule but will be Scheduled in Te Tai o Poutini Plan. Developments requiring resource consent, will be assessed against the design guidelines.

RECOMMENDATIONS

1. That the information be received
2. That the Committee provide feedback on the draft Guidelines for the Reefton and Hokitika Town Centres.

Lois Easton

Principal Planner

INTRODUCTION

1. The Town Centre Zone Rules anticipate that design guidelines will be developed for each of the main centres on the West Coast/Tai Poutini.
2. The Design Guidelines are intended to assist developers and Council staff to interpret the requirements for the Town Centre Zone.
3. The Design Guidelines are not a Rule but will be Scheduled in Te Tai o Poutini Plan (TTPP).
4. Developments requiring resource consent, will be assessed against the design guidelines.
5. Draft guidelines have been prepared for all 4 main centres, and this report brings the guidelines for Reefton and Hokitika to the Committee for feedback. Guidelines for Greymouth and Westport were presented to the August meeting of the Committee.

DEVELOPMENT OF THE GUIDELINES

6. The guidelines for Hokitika have been developed based on the direction provided by Westland District Council staff as part of the revitalisation work. This includes a recognition of the historic nature of Revell Street.
7. The guidelines for Reefton have been developed based on a larger draft guideline developed by a heritage architect for Heritage New Zealand – Pouhere Taonga. Inangahua Ward Councillors have also provided feedback on the draft guidelines.
8. The draft guidelines are attached at Appendix One.

NEXT STEPS

9. The draft guidelines will be consulted on as part of the Draft Plan consultation at the beginning of 2022.

APPENDIX ONE: DRAFT HOKITIKA TOWN CENTRE GUIDELINES

Hokitika Town Centre Urban Design Guidelines

1.0 Introduction

This document has been developed to provide direction to those planning, designing and reviewing development proposals in the Hokitika town centre. This guide seeks to achieve high quality building design that:

- Responds to the context
- Is visually interesting and in keeping with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment
- Incorporates new and innovative design where appropriate
- Takes into account CPTED principles and the Poutini Ngāi Tahu values.

1.1. When does the Design Guide apply?

Under Te Tai o Poutini Plan rules, all new buildings within the Hokitika Town Centre Zone are required to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

2.0 Hokitika Design Guidelines

2.1 Context

Hokitika means 'return directly' in Māori. The name embraces the story of a battle for control of the pounamu source. Invading Ngāi Tahu who wanted control of the pounamu source were devastatingly defeated at Lake Mahinapua by local tribe Ngāti Wairangi. The sole surviving chief Hikātūtae turned back here and 'returned directly' to Kaiapoi. Several battles later Ngāi Tahu won, but at a truly heavy price. Today Poutini Ngāi Tahu honour their role as rangatira, carvers and traders of this revered stone.

The town of Hokitika grew from the discovery of another precious resource - gold. The West Coast's gold rushes, many led by Māori, attracted thousands of gold-seekers. Between 1864 and 1867 ships brought 37,000 seekers into Hokitika Port through its treacherous river mouth resulting in countless shipwrecks. Carved out of the rainforest wilderness, Hokitika grew from the 'Crooked Mile' of Revell Street on the dunes to a wide-streeted goldfields capital,

Defined Centre

Hokitika is a well defined centre with a grid layout and natural edges from the Hokitika River and Hokitika Beach and a human edge created by the railway line. There is a strongly defined entrance into the town, with the town clock creating a core focal point.

Connection with the Natural Environment

The Hokitika River/Gibson Quay and Beachfront provide natural edges to the town centre and a link to its cultural and natural heritage. Alongside this Hokitika is notable for its views towards the Southern Alps. Maintaining visual connections and improving access to the beach and Gibson Quay are essential.

Existing built character

Hokitika Town Centre has an interesting mix of historic nineteenth and early twentieth century buildings as well as more modern, but largely sympathetic, buildings. The historic heritage represents an important part of the historic heritage resource of Westland and the West Coast and is centred around Revell Street.

The following design elements that contribute positively to the character of the town are identified as:

- Building edge – buildings are often built to the street boundary.
- Continuous façade – buildings tend to abut one another creating a sense of enclosure.
- Human scale – buildings give a sense of human scape at the publicly occupied edges. They contain proportions, textures and physical elements that fit with the size of people.

- Prominent corner buildings – corner buildings are often taller than the adjoining buildings. This additional height helps define the edge of a block and create a visual anchor point.
- Verandahs – this is a key feature in the main street frontage streets in the Town Centre Zone which provide shelter for pedestrians.
 - Main Street frontage streets in the Hokitika Town Centre Zone are: Weld Street, Sewell Street, Hamilton Street, Revell Street, Tancred Street, Camp Street, Wharf Street, Gibson Quay
- Four distinct parts of building – traditional buildings show four distinct parts – base, verandah, upper area and parapet
- Visual interest – although commonalities exist between buildings, each building expresses an individual character
- Active frontage – windows exist on all floor levels of a building’s façade

Revell Street Heritage Character Area

The Revell Street Heritage Area (From Ocean View/110 Revell Street to Camp Street) is characterised by having a large number of late nineteenth and early twentieth century buildings which recall the late Victorian era mining town character.



Revell Street Heritage Character Area Buildings

While only a handful of these are listed historic buildings, retaining the other character buildings from this era, and ensuring that new buildings are sympathetic to the area is very important.

In terms of character, buildings that contribute positively to the character of Revell Street

- Are built to the street boundary
- Are rectangular with elongated or tall proportions
- Are designed based on early West Coast heritage styles
- Have tall horizontal or stepped parapets hiding the roof behind
- Have verandahs (although some of the large hotels do not and historically many did not)
- Have similar alignment of parapets and shopfronts
- Are constructed of timber with timber shopfronts

The shop front design of buildings contributing to the character of Revell Street also has a general level of consistency:

- A large display window which can be divided into large symmetrical panes particularly in the older shops
- Recessed or flat entries either to one side, or, for the older shops, centrally located
- A bulkhead, or base to the shopfront, which is panelled on the older shops

Iwi Cultural Landscapes

Many buildings within the town centre reflect Hokitika's colonial and settler history, however there is limited representation of a much longer iwi history. Poutini Ngāi Tahu culture and identity highlight the West Coast's point of difference in the world and offer design opportunities for the future.

The guidelines in Section 2.2 are based on the Te Aranga Māori Design Principles, which are a set of Māori urban design principles founded on core Māori cultural values and designed to provide practical guidance for enhancing outcomes for the design environment. These principles have arisen to enable greater iwi and hapū presence, visibility and participation in the design of the physical environment.

The use of iwi design guidelines is predicated on the development of high-quality durable relationships being developed between iwi/hapū, their mandated design professionals, developers and the Council. Robust relationships between these groups provide opportunities for unlocking a rich store of design potential.

2.2 Guidelines

Context

GC1 Complement the existing built context with visual links through similarity of overall bulk and form. New development should attempt to complete, improve and enhance the setting of individual buildings or groups of buildings listed as heritage items in Te Tai o Poutini Plan. New buildings/structures shall complement and support, rather than dominate these listed buildings.

GC2 Take into account the wider surroundings, including natural features, such as views to the Southern Alps and links to the beach and the river.

Iwi Cultural Landscapes

IW1 Mana/authority – The development of high-level Treaty based relationships with iwi is essential prior to commencing design approaches which will maximise the opportunities for design outcomes.

IW2 Te Reo, whakapapa/naming – Iwi consultation and research on the use of correct ancestral names, including macrons, and the recognition of traditional place names in keeping with the mita (pronunciation of language) of Poutini Ngāi Tahu through signage and wayfinding.

IW3 Tohu/landmarks – Significant wider cultural landmarks (including wāhi tapu, maunga, awa, puna, mahinga kai and ancestral kainga) and associated narratives are acknowledged in the spatial orientation and layout of any new development, allowing visual connection to significant sites to be created, preserved and enhanced.

IW4 Taiao/environment – Landscape design includes a selection of indigenous plant and tree species where possible.

IW5 Mauri Tū/environmental health Rainwater collection systems, grey-water recycling systems, passive solar design, and hard landscape and building materials which are locally sourced and of high cultural value to iwi are explored in the design process.

IW6 Mahi Toi/creative expression –Iwi/hapū narratives are creatively reinscribed through architectural design and building, integrated artwork and iwi/hapū mandated design professionals and artists are appropriately engaged in such processes.

IW7 Ahi kā/a living presence. Opportunities are explored through partnership engagement with iwi to ensure a physical presence (ahi kā) within environments is retained or re-established. "Ko au te awa, Ko te awa au" (I am the river, and the river is me)

Built Form

BF1 Mass/Scale -New buildings should relate to the scale of adjacent buildings. Where very wide buildings are proposed, their bulk and width shall be reduced by dividing the façade up by vertical

divisions into several smaller “storefronts”. Windows and doors and other architectural details shall be used to reduce the mass of structures. Where a building over three stories is proposed, the section above three stories should be stepped back from the line of view from the street.



This long low building shape should be avoided. This building also lacks windows and has limited design features and detail to add interest to the building. The buildings colours are also very out of character with other buildings in the vicinity



An example of a wide building with vertical divisions and the use of colour and different materials to break up the facade.

BF2 Location to front – Buildings are to be positioned so their front walls abut the (footpath) boundary

BF3 Continuity – on Main Street Frontage streets buildings are to extend across the full width of the site frontage to ensure that the street’s “built” edge is continuous. Exceptions to the continuous frontage are for walking access connections and outdoor dining areas/courtyards. The façade will be indicative of the bulk of the building behind (i.e., not just a façade). Beyond Main Street Frontage Streets, maintaining a continuous frontage is still encouraged to maintain a sense of enclosure, however it is not essential.

BF4 Height – New buildings should ideally be at least two storeys in height, but at a minimum, should appear similar in height to the existing neighbouring buildings

Any upper floor areas visible in the layout of the façade should be potentially usable space rather than a false façade.

BF5 Corner buildings. Buildings on corners and main junctions are highly visible which means that building design is especially important. Buildings on corners are able to be visually emphasised with architectural elements such as taller forms, or parapets.



This building expresses well to the corner with the second story providing height, and the window facing into the corner.

BF6 Pedestrian Access Lanes – existing pedestrian access lanes shall be retained and enhanced. Lanes should be well lit, attractive and safe. Pedestrian routes shall be lit at a minimum of 10 lux. Buildings facing the lanes should have ground level openings (windows or doors) to provide connection with the public space and allow natural surveillance of the walkway.

BF7 Roofs– Roof form in Hokitika town centre is variable with some below the parapet and others pitched and visible from the street. Either is acceptable except there are some specific requirements for the Revell Street heritage area.



Rooflines hidden behind a parapet



Mixed Rooflines

Facades

GF1 Openings – Buildings are to have windows on all street facades with minimum glazing as specified in the relevant rules. Main doors at ground level are to be oriented to the street (i.e. not at the side or the back). Entrances shall be wide enough to accommodate wheelchairs and pushchairs. Buildings that have more than one frontage (i.e., corner) are to include windows and doors on both facades if there is sufficient length of frontage. The design of side and back elevations that are visible from the street or any other public space should be consistent with the design of the main building frontage.

GF2 Visual permeability – The ground floor window area of buildings (including glazed doors) in Main Street Frontage must be no less than 50% of the frontage in the Town Centre Zone. On all facades, fully glazed facades will not be permitted unless there are vertical solid breaks at frequent intervals. The glazing is not to be blocked out with opaque or reflective film, or other treatment that obscures the visual connection from the outside into the building.

GF3 Shop fronts and entries – Building entries and shop fronts on Main Street Frontage Streets should be glazed and entries recessed. This allows pedestrians to stop and view the display area and gives depth to the entrance.

GF4 Four elements – Building facades are to show the following distinct elements:

Base (Ground) – in Main Street Frontage streets this should predominantly be a shopfront with vertical division and a recessed entrance

Verandah/Canopy/Balcony – style of verandah/canopy/balcony to be consistent with the building (more detail provided in GF5)

Upper Area – windows if building is more than 1 storey in height.

Parapet/Roof – Parapet with top outline of the façade extended or modulated by elements reflecting the building structure and roof form masking the roof, or roof form clearly evident.

GF5 Verandah/canopy/balcony -Verandahs are a requirement on Main Street Frontage streets and are subject to performance standards in the rules. Verandahs should:

- Complement the building style of the building to which they are attached
- Extend over the footpath and full width of the building frontage
- Take cues from neighbouring verandahs in terms of height, proportion and style, whilst allowing for variation in design features
- Not obscure windows or architectural details
- Verandahs on corner buildings should wrap around the building and extend the full width of both frontages (even if only one frontage is classed as a Main Street Frontage).

Balconies should be designed to be in keeping with the overall architectural detail of the building. Balustrades should allow for views and natural surveillance of the street.

GF6 Articulation and Detail – building facades should include articulation and detailing. Façade articulation may include setbacks, projected bays, balconies etc. Building facades should have detail and depth and not be on a flat plane.

GF7 Colour – building colours, whether a painted finish or natural materials should highlight features such as joinery, decoration or repetition of the building form

- Use colours that are consistent with the existing range of colours in the town centre.
- Side and rear walls should be painted in the same colours as the building's main façade. Side and rear walls also provide an opportunity for murals to be painted. In these cases colours can deviate from the building's main façade.
- Bright colours designed to call attention to the building are not acceptable
- Painting the whole building one block colour as a "sign" to brand the building is not acceptable.



Before



After

Colour and Signage are key to achieving a good design outcomes. This building has been transformed by the change to a sympathetic colour and incorporation of a well designed sign reflecting Poutini Ngāi Tahu values.



Colour has been used successfully on this building to highlight window details, the entrance and detailed lines on the building. The colours are in keeping with a traditional heritage palette.



Colour has been inappropriately used on these shops. They are not in keeping with the surrounding area, and also being used as a “sign” to advertise a product.

GF8 Building Signage -Signage should not project above the roofline or obscure architectural features.

GF9 Lighting – Buildings can have lighting to highlight building façade features and provide under verandah light to the footpath. Choose lighting fixtures in a style that is appropriate to the building and not susceptible to vandalism.

GF 10 Building entries (non-Main Street Frontage Streets) – Building entries are encouraged to have a canopy or verandah to provide protection from the weather and emphasise the entry point.

GF11 Outdoor dining areas – These are encouraged on footpaths adjoining buildings within the town centre to give vitality and encourage occupation of the street. The location, size and layout need to take into account public access, pedestrian circulation and the safety of patrons and motorists.

GF12 Mechanical equipment – Try and maintain the integrity of the general form of the building by avoiding detracting secondary features such as air conditioning plants or other mechanical equipment above or in front of the façade, and visible from the street.

Strengthening and Restoration

GS1 External strengthening – if external strengthening has to be used, either avoid the street façade or design strengthening structures as a visible and explicit design feature of the elevation. Do not obscure features such as windows.

GS2 Façade retention – For heritage and landmark buildings, retaining a building’s street façade is preferable to its demolition. Where only the façade is retained, fit the new structure behind the façade features – reusing window and door openings. Keep the new structure below the façade height and give the visual appearance of retained floors.

Revell Street Heritage Character Area

GR1 Adapting existing historic buildings – when making additions, these should be on elevations not visible from the street and compatible with the architectural character of the building. Additions should not dominate the original building or contrast harshly with the original materials, building and roof form, proportions, colour or scale.

GR2 New Buildings -New buildings should be in sympathy with the historic building stock. Key aspects that will assist this are:

- Building to the street (footpath boundary)
- Above verandah having a horizontal parapet hiding the roof with a flat weatherboard cladding or similar flat fitting facing material facing the street
- The parapet should be simple with simplified or modern interpretation of existing detailing
- The verandah should extend the full width of the footpath
- Awnings are discouraged
- Shopfronts should be made of timber
- Entries should be recessed and angled
- The use of roller shutters, security grills or other forms of non-traditional additions to shopfronts should be avoided.

GR3 New Two-storied buildings

- The first-floor design should have symmetrically located, discreet window openings matching the proportion of ground floor windows.
- Where there is no parapet, eaves should project beyond the face of the wall.
- The building can have a single or two-storied verandah.
- On the ground floor the building could have a shopfront matching the design guide or repeat the openings on the first floor.

Reefton Heritage Town Design Guidelines

1.0 Introduction

This document has been developed to provide guidance to those preparing and reviewing development proposals in the Reefton town centre. This guide seeks to achieve high quality building design that:

- Responds to the historical context
- Is visually interesting and in sympathy with the streetscape values
- Addresses cultural and built heritage values and design elements
- Creates a vibrant, active pedestrian environment

1.1 When does the Design Guide apply?

Under Te Tai o Poutini Plan rules within the Reefton Town Centre Zone , all new buildings and alterations to the exterior facade of existing buildings are required to be assessed against these design guidelines. Where resource consents are required the Councils will use this guide to help assess and make decisions on those consent applications.

These guidelines however have been developed to support the wider heritage character of Reefton and developers of new buildings or those undertaking alterations of existing character buildings are encouraged to use them.

2.0 Reefton Heritage Town Design Guidelines

2.1 Context

The historic significance of Reefton and its heritage values is recognised by the registration of parts of Reefton as an historic area under the Historic Places – Pouhere Taonga Act. The main commercial street, Broadway, retains a number of mid to late nineteenth and early twentieth century buildings contributing to its late Victorian era mining town character.

Reefton has such high heritage and recreation values that retaining the existing heritage buildings is essential and any new buildings should be designed to be sympathetic with and enhance the existing character and values.

Within this design guide there are three main categories of building – each with a different approach to new building works.

- Historic buildings - these include listed historic heritage buildings [refer Schedule 1 of Te Tai o Poutini Plan] but also unscheduled historic buildings centred around Bridge St and Broadway such as the BNZ Bank, Broadway Supplies Building, Caples/Conlon Villa (Bellbird Motel), Homemakers Hardware Shop, Old National Bank, Wilson’s Hotel and Hotel Reefton. These should be retained, with modifications kept to a minimum.
- Contributory buildings – these should be retained but can be modified to a greater degree in a sympathetic manner.
- Non-contributory – which are neutral or intrusive in the street and can be demolished or modified to be more in sympathy with the character of the street (a nod to the past).

Broadway Character

Broadway is a long wide, open street with single and two storied commercial buildings lining it.

Generally the buildings that contribute positively to the character of Broadway

- Are built to the street boundary
- Are rectangular with elongated or tall proportions
- Are designed based on early West Coast heritage styles
- Have tall horizontal or stepped parapets hiding the roof behind
- Have verandahs (although one or two do not and historically many did not)
- Are connected or are joined by fences on the street boundary
- Are long and narrow
- Are of different heights, with little or no alignment of parapets or shopfronts
- Are constructed of timber with timber shopfronts

Verandahs are of different designs:

- Unadorned or decorated posts
- With or without brackets
- With or without signage on the fascia
- With or without fascias
- With or without cheeks
- Skillion or bullnosed roofs

The shop front design of buildings contributing to the character of Broadway also has a general level of consistency:

- A large display window which can be divided into large symmetrical panes particularly in the older shops
- Recessed or flat entries either to one side, or, for the older shops, centrally located
- A bulkhead, or base to the shopfront, which is panelled on the older shops

2.2 Design Guidelines

2.2.1 Historic buildings



1. **General Principles:** Generally visible external work should be limited to repairs, maintenance, restoration or reconstruction. Key principles are:
 - To maintain rather than repair
 - To repair rather than replace
 - If replacement is essential try and use materials that match the original as closely as possible (like for like)
 - Use a date stamp so that replacements can be identifiable on close inspection.
 - Restore original colour schemes where possible [Refer to Resene heritage colours for the period pre – 1920 and note this does not include blue].
 - Painting the whole building one block colour as a “sign” to brand the building is not acceptable.
2. **Adaptation:** When adapting the exterior of a historic building:
 - Retain, repair and maintain all significant external fabric
 - Avoid removal or obscuring significant external fabric, elements and features
 - Respect the style, form, planning, materials, craftsmanship, scale and patina of the building
3. **Additions:** When making additions, these should
 - Be on elevations not visible from the street
 - Avoid additions on significant elevations, including the roof
 - Be compatible with the architectural character of the building
 - Not dominate the original building
 - Not contrast harshly with original materials, building and roof form, proportions, colour or scale
 - Maintain the same orientation and proportions of building composition as the original
 - If a large addition, be separate from the original building and follow the guidelines for new buildings

4. **New Elements:** Where removal or replacement of non-original elements is proposed try and restore or reconstruct the original elements.
5. **Strengthening** Strengthening work for earthquake protection should be installed on the interior or within the existing structure. Where this is not possible locate it away from the front elevation.

2.2.2 Contributory Buildings



1. **General Principles:** The general principles are similar to those of heritage buildings except that retention of original fabric on non-visible elevations is less important.
2. **Additions:** When additions are proposed, these should:
 - Be on elevations not visible from the street
 - Be compatible with the architectural character of the building
 - Not dominate the original building
 - Not contrast harshly with original materials, building and roof form, proportions, colour, or scale
 - Maintain the same orientation, proportions and rhythm of building composition as the original
 - If a large addition, be separate from the original building and follow the guidelines for new buildings
 - Not negatively affect the setting of or views to or from the building
 - Should be of a respectful new design based on a simplified modern interpretation of the original
 - Where the original verandah design is suspended or cantilevered from the wall, do not install "dummy" verandah posts.

2.2.3 Non-contributory buildings

Demolition is acceptable and encouraged when possible. The design guides for new buildings and for additions and alterations to existing buildings should be followed. Where additions and alterations are to be carried out, the intention is to design modifications to regain greater consistency with the existing significant and heritage buildings.



2.2.4 New single storied buildings

1. Location

- The building should be constructed up to the street (footpath) boundary
- Where the building does not extend the full width of the site there should be a fence from the building to the boundary.
- If there is an existing neighbouring building, it is acceptable to locate the new building against the existing building.

2. Form

- The building should be rectangular in plan and face the street
- The façade of the building should be rectangular with the proportion elongated or tall.

3. Above verandah design

- The building should have a horizontal parapet hiding the roof with a flat weatherboard cladding or similar flat fitting facing material facing the street,
- Where the building is to be constructed alongside an existing building, the parapet should be of a different height to the neighbouring building but no taller than existing Victorian or Edwardian buildings.
- The parapet for single story buildings should be between one-third to one half the total elevation height.
- The parapet should be simple with simplified or modern interpretation of existing detailing and not copy original detailing.

4. Verandah

- Buildings on Broadway are required to have a verandah (refer Plan rules) which should have a timber frame with a roof supported on timber posts
- The verandah should extend the full width of the footpath.
- Awnings are discouraged.
- Cast iron filigree is discouraged.
- Non-alignment of verandahs with neighbouring buildings is encouraged.

5. Shopfront design.

- Shopfronts should be made of timber.
- Entries should be recessed and angled.

- In wide shops entries should be central, in narrow shops entries next to the side boundary wall is preferred.
 - The stall board should be 300-600mm high,
 - Windows should extend from the stall board to the underside of the verandah framing. The street pane should be divided vertically and horizontally with glazing bars.
 - Recessed entry glazing should match the design of street glazing.
 - The door should be glazed and panelled with a toplight.
 - The use of roller shutters, security grills or other forms of non-traditional additions to shopfronts should be avoided.
- 6. Roofs**
- The roof should be hidden behind a parapet. A pitch of between 30-45 degrees is ideal, with corrugated metal or timber shingles.
- 7. Materials**
- Wall materials should be painted corrugated metal or timber weatherboard.
 - Joinery should be timber
- 8. Corner buildings**
- Corner buildings can be chamfered or square
 - Parapets to corner buildings should return around the corner for the full length of the building.
 - Entries to corner buildings should be at the corner.
- 9. Signage**
- Signage on buildings should be symmetrical about the face of the element on which it is located and generally extend the full width.
 - Signage in upper case lettering is encouraged.
 - Signage should relate to the business or owner- not advertising products.
 - Antique, Fat Clarendon, San serif lettering styles or similar are encouraged so as to give the impression of traditional hand sign writing.
 - Other acceptable styles are Tuscan, Fat -faces, Fat Italics, Fat Gothic and Sans Serif compressed.
- 10. Fencing**
- Fencing should be sympathetic to the era.
- 11. Colours**
- Colours should be taken from the Resene or Aalto Heritage colour chart and be a three or four colour scheme. Note these should be the pre-1920s colours.
- 12. Lights**
- Lighting should highlight the architectural character and lighting under the verandah is encouraged.
 -
- 2.2.5 New two-storied buildings**
- The first-floor design should have symmetrically located, discreet window openings matching the proportion of ground floor windows.
 - Where there is no parapet, eaves should project beyond the face of the wall.
 - The building can have a single or two-storied verandah.
 - On the ground floor the building could have a shopfront matching the design guide or repeat the openings on the first floor. One of the openings should be a door and this can be wider than other openings.



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee

Prepared by: Lois Easton, Principal Planner

Date: September 2021

Subject: **Response to NPS Freshwater Management and NPS Urban Development Requirements for District Plans**

SUMMARY

This report gives an update on how Te Tai o Poutini Plan (TTPP) is addressing two key National Policy Statements – that for Freshwater Management (NPSFM) and that for Urban Development (NPSUD).

Both these national instruments have requirements that must be addressed in Te Tai o Poutini Plan. These policy instruments were substantially revised and updated by the government in 2020, hence a review of the draft provisions compliance has been undertaken.

How this is addressed is outlined in the report. A minor change to the urban development strategic policy is proposed to address the NPSFM.

RECOMMENDATIONS

1. That the Committee receive the report.

Lois Easton

Principal Planner

BACKGROUND

1. This paper identifies the work done to address the National Policy Statement for Freshwater Management (NPSFM) and National Policy Statement on Urban Development (NPSUD) and considers whether any further provisions are required in Te Tai o Poutini Plan (TTPP).
2. These two national instruments were revised by the government in 2020 with updated policy statements gazetted. TTPP is required to give effect (i.e. implement) national policy statements.
3. The NPSFM includes specific requirements for District Plans as follows:

3.5 (4) Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), or urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.

4. The NPSUD has a wider range of specific requirements we must implement as outlined in the Objectives and Policies in Appendix One.
5. As a Tier 3 local authority, where Greymouth is the only urban area, many provisions in the NPSUD are only required to be addressed in Greymouth. However, the general approach has been to take on board these requirements for the whole West Coast, in keeping with the integrated planning approach taken in TTPP.

RESPONDING TO THE NPSFM

6. The key matters which should be considered in responding to the NPSFM requirements are around the impacts of urban development on the health and wellbeing of freshwater systems. Staff consider that these requirements have largely been met by the policy and rule framework put together for the draft plan. These provisions which address the requirements are outlined below.

Matter	Objective/Policy/Rule/Standard	Detailed Provision
Stormwater quantity and flooding	Infrastructure Policy 5	Minimise the effect of stormwater run-off associated with development activity, including requirements for onsite detention, upgrades to pump networks and roadside drainage networks where necessary, to reduce flooding risk to roads, property and other areas identified as subject to stormwater management controls.
Contaminated Land	Contaminated Land Objective 1	To ensure that contaminated land is used, subdivided, developed or managed in a way that avoids or mitigates adverse effects on the environment and human health.
	Contaminated Land Policy 2	Ensure that when contaminated land is used, subdivided and/or developed, the land is managed or remediated in a way that avoids or mitigates adverse effects on the environment and manages the risk to human health to a level that is appropriate for the intended use.
Earthworks	Earthworks Rule 1	Requirement for sediment control
Esplanade Reserves	Subdivision Objective 5	Esplanade reserves and strips created through subdivision contribute to the protection of identified significant natural heritage and Poutini Ngāi Tahu values, provide natural hazard mitigation, support good water quality and provide for public access to and along rivers and the coastal marine area.
	Subdivision Standard 8	An esplanade reserve or esplanade strip shall be provided where any subdivision creates an allotment smaller than 4ha where that allotment adjoins any of:

		<ul style="list-style-type: none"> a. The coastal marine area; b. A lake; or c. The bank of a river whose bed has an average width of 3m.
Stormwater and wastewater treatment and disposal	Subdivision Policy 2	<p>Ensure subdivision is appropriately serviced and integrated with existing or planned infrastructure that is provided in an efficient, integrated and co-ordinated manner by ensuring:</p> <ul style="list-style-type: none"> ... h. Treatment and safe disposal of stormwater that does not result in increased flooding and erosion risk; i. Treatment and safe disposal of wastewater with a preference for land-based treatment where no reticulated network is in place;
Stormwater treatment and disposal	Subdivision Standard 3	<ol style="list-style-type: none"> 1. All allotments must provide the means for disposal of stormwater from the roof of all buildings and all impervious or potentially impervious surfaces, including, but not limited, to structures, compacted soils and sealed surfaces. 2. Where a connection to a District Council or Community stormwater management system is available, all new allotments must be provided with a connection at the boundary or net boundary where access is shared. 3. Where a connection to a District Council or Community stormwater management system is not available, the applicant shall demonstrate that stormwater will be disposed of in such a way that surface flooding of adjacent properties and roads will not be exacerbated. 4. Where the means of stormwater disposal is to ground, that area shall not be subject to instability, slippage or inundation, or used for the disposal of wastewater. 5. Where the stormwater discharge is from industrial land or large areas of impervious surface, the applicant shall demonstrate that sufficient treatment is undertaken that adverse effects on freshwater and the receiving environment will be mitigated.
Wastewater treatment and disposal	Subdivision Standard 4	<ol style="list-style-type: none"> 1. All allotments must provide the means for disposal of wastewater from all potential land uses that could be established on the respective allotments. 2. Where a connection to a District Council or Community wastewater management system is available, all new allotments must be provided with a connection at the boundary or the net boundary where access is shared. 3. Where a connection to a District Council or Community wastewater management system is not available, the applicant shall demonstrate that wastewater will be disposed of in a sanitary manner within the net site area of the allotment with no direct discharge to water.
	Commercial Zone	Rule 1 – provision to include treatment devices within landscaped areas

Stormwater Management Zone Provisions	Industrial Zones	Policy 11 – Require the careful management and treatment of stormwater from industrial buildings and sites in order to safeguard the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments.
	Industrial Zones	Rule 1 – requirement to treat stormwater associated with any industrial activity or building
Good Water Infrastructure Management	All Zones	Requirement that reticulated infrastructure be vested in the council and that sites are connected to existing infrastructure. This is a key measure to avoid the problems of non-connections (and ongoing use of poor standard on site infrastructure).

7. Looking at the list of provisions, probably the main consideration is that there is no specific policy or objective which aims to address the health and well-being of waterbodies, freshwater ecosystems and receiving environments. In order to ensure that it is clear that the requirements of the NPSFM are being met, it is suggested that the Strategic Objective for Urban Development be amended to include these matters. An amended objective is outlined below (additions underlined).

UFD – O1 To have urban environments and built form on the West Coast that:

- a. Are attractive to residents, business and visitors;
- b. Have areas of special character and amenity value identified and values maintained;
- c. Support the economic viability and function of town centres;
- d. Recognise the risk of natural hazards whereby new development is located in less hazardous locations;
- e. Promote the re-use and re-development of buildings and land, including private and public land;
- f. Improve overall accessibility and connectivity for people, transport (including opportunities for walking and cycling) and services;
- g. Promote the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure;
- h. Maintain the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments; and
- i. Protect and enhance the distinctive character of the Districts' settlements.

RESPONDING TO THE NPSUD

8. The table below identifies the TTPP response to each of the relevant objectives and policies NPSUD and a comment about whether the response is considered sufficient or not.

Objective/Policy	TTPP Response	Response Sufficient or Not
Objective 1 Well functioning urban environments.	Urban Development and Form Strategic Objective. Amenity provisions within Objectives, Policies and Rules	Sufficient
Objective 2 Improve housing affordability	Wide range of new areas zoned for housing of different types New medium density provisions Minor residential unit provisions	Sufficient
Objective 3 Enable people to live and work and community services to locate near centres	Mixed Use Zone in Greymouth Residential enabled in Town Centre Zone Medium Density Residential Zone in Greymouth and Hokitika near to town centres	Sufficient

Objective 4 Urban environments develop and change in response to needs	New zones allowing change Provisions for medium density housing in General Residential Zone (with consent)	Sufficient
Objective 5 Te Tiriti	Poutini Ngāi Tahu Strategic Objectives Māori Purpose Zone in Greymouth Policies re Poutini Ngāi Tahu in all zones Partnership approach to developing the plan	Sufficient
Objective 6 Integration with infrastructure	Infrastructure and Transport Provisions – requirements for new development to connect Financial Contributions – sourcing funding for new development connections Future Urban Zone – to enable infrastructure planning	Sufficient for TTPP – but more work may be needed at the District Council Level
Objective 7 Updated information about urban environments	General assessment as part of developing TTPP -character, industrial land shortage, housing shortage	Sufficient for TTPP – but more work may be needed at the District Council Level
Objective 8 Reducing greenhouse gas emissions	Increased walkability/reduced reliance on cars from urban form due to: <ul style="list-style-type: none"> • Mixed Use Zone in Greymouth • Residential enabled in Town Centre Zone • Medium Density Residential Zone in Greymouth and Hokitika near to town centres Provision for alternative modes <ul style="list-style-type: none"> • Transport provisions 	Sufficient
Policy 1: Housing variety, land for business, accessibility, resilience	Increased walkability/reduced reliance on cars from urban form due to: <ul style="list-style-type: none"> • Mixed Use Zone in Greymouth • Residential enabled in Town Centre Zone • Medium Density Residential Zone in Greymouth and Hokitika near to town centres • Multiple business zones Provision for alternative modes Transport provisions	Sufficient
Policy 2: Sufficient development capacity for housing and business land	Short and Medium Term <ul style="list-style-type: none"> • Mixed Use Zone in Greymouth • Residential enabled in Town Centre Zone • Medium Density Residential Zone in Greymouth and Hokitika near to town centres • Medium Density possible (through resource consent) in General Residential Zone • New industrial zoned land in Hokitika and Westport Medium and Long Term <ul style="list-style-type: none"> • Future Urban Zones 	Sufficient
Policy 5 Allow for density	<ul style="list-style-type: none"> • Mixed Use Zone in Greymouth • Medium Density Residential Zone in Greymouth and Hokitika near to town centres 	Sufficient

	<ul style="list-style-type: none"> • Medium Density possible (through resource consent) in General Residential Zone • Town Centre and Commercial Zones – all allow for increased height buildings than are currently typical in the zone 	
Policy 6 Planning Decisions	Urban Development and Form Strategic Objective.	Sufficient at this time
Policy 9 Te Tiriti	Poutini Ngāi Tahu Strategic Objectives Māori Purpose Zone in Greymouth Policies re Poutini Ngāi Tahu in all zones Partnership approach to developing the plan	Sufficient
Policy 10 Engagement with infrastructure providers	Significant engagement during plan development on Transport, Infrastructure, Energy, Signs, Noise and Light Chapters	Sufficient
Policy 11 Carparking	No minimum car parking except for accessible car parks, boat parking (Moana) and bicycle parking	Sufficient

NEXT STEPS

9. The amended policy for Urban Development will be included within the draft TTPP. The next step for is consultation on the draft Plan.

APPENDIX ONE: OBJECTIVES AND POLICIES OF THE NPSUD

2.1 Objectives

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply: the area is in or near a centre zone or other area with many employment opportunities the area is well-serviced by existing or planned public transport there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

Objective 5: Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Objective 6: Local authority decisions on urban development that affect urban environments are: integrated with infrastructure planning and funding decisions; and strategic over the medium term and long term; and responsive, particularly in relation to proposals that would supply significant development capacity.

Objective 7: Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.

Objective 8: New Zealand's urban environments: support reductions in greenhouse gas emissions; and are resilient to the current and future effects of climate change.

2.2 Policies

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- a. have or enable a variety of homes that:
 - i. meet the needs, in terms of type, price, and location, of different households; and
 - ii. enable Māori to express their cultural traditions and norms; and
- b. have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- c. have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and support, and
- d. limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
- e. support reductions in greenhouse gas emissions; and
- f. are resilient to the likely current and future effects of climate change.

Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

Policy 3 and 4 : [In relation to tier 1 urban environments only],

Policy 5: Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of:

- a. the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
- b. relative demand for housing and business use in that location.

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- a. the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement
- b. that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 - i. may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
 - ii. are not, of themselves, an adverse effect
- c. the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)
- d. any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity
- e. the likely current and future effects of climate change.

Policy 7: [Tier 1 and 2 local authorities only]

Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to wellfunctioning urban environments, even if the development capacity is:

- a. unanticipated by RMA planning documents; or
- b. out-of-sequence with planned land release.

Policy 9: Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:

- a. involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and
- b. when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and
- c. operate in a way that is consistent with iwi participation legislation.

Policy 10: Tier 1, 2, and 3 local authorities: that share jurisdiction over urban environments work together when implementing this National Policy Statement; and engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and engage with the development sector to identify significant opportunities for urban development.

Policy 11: In relation to car parking: the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee
Prepared by: Lois Easton, Principal Planner
Date: September 2021
Subject: **Te Tai o Poutini Plan Draft Chapter Review – Rural Zones**

SUMMARY

This report gives an opportunity for the Committee to review draft provisions from Te Tai o Poutini Plan. It is intended to bring chapters to the Committee for review over the next 2 months, ahead of the final draft Plan in December.

The fourth set of provisions for review are the Rural Zones.

RECOMMENDATIONS

1. That the Committee receive the report
2. That the Committee provide feedback on the draft Rural Zone provisions for Te Tai o Poutini Plan.

INTRODUCTION

1. With the decision to fast track the notification of Te Tai o Poutini Plan (TTPP), there is a need to ensure that draft work developed is reviewed to ensure consistency and coherence in the Plan. Draft chapters will be brought to the Committee for review each month, ahead of the entire draft Plan coming to the Committee in December for adoption for consultation.
2. The fourth chapter for review is the Rural Zones section.

DRAFT PROVISIONS AND NEXT STEPS

3. The following text is the current draft provisions – with an overview of the Zones, Objectives and Policies and then a Rule set for each of the four Rural Zones.
4. Some matters have been included within the draft provisions, which due to timing have not been able to be reviewed by the Technical Advisory Team. These are:
 - a. Following further consultation with the minerals section, TTPP staff have drafted an additional Objective and Policy providing a stronger direction of support for mineral extraction within the Rural Zones – recognising that this is an expected and common activity.
 - b. Following feedback from the August meeting of the Committee in relation to residential provisions, specific provisions have been made for papakāinga developments.
5. Following any amendments sought by the Committee, these provisions will be incorporated into the Draft Te Tai o Poutini Plan.

DRAFT PROVISIONS

RURZ

Rural Zones - Objectives and Policies

Overview

Rural areas represent the majority of private land within the West Coast/Tai Poutini. They are working environments – with farming, mining, tourism, horticulture, and forestry being undertaken alongside a number of smaller industries. They contain native bush, wetlands, energy generation sites and national grid infrastructure. They are also residential environments – characterised by a low level of development and distance from neighbours.

The rural area is characterised by its open vistas and natural features that are of importance to the wider community. Components include the coastline, water features, vegetation and the absence of built up areas.

Small settlements and townships are a significant feature within the rural areas of the West Coast/Tai Poutini, with numerous coastal and inland settlements around the districts. Some of these settlements were once much larger, due to past mining and forestry activities. Some are expanding, mainly due to the increase in tourism activities or their proximity to the main centres meaning they are becoming more like commuter areas.

Settlements have a range of characters – coastal, historic, bush living and rural. They are often typified by the presence of historic or longstanding industrial uses, although commercial activity is only found in the largest of these places.

Because the Rural areas represent such a large part of the WestCoast/Tai Poutini, alongside the Rural Zones Objectives and Policies the Strategic Objectives are all very relevant considerations for the management of these areas.

Key points to note are:

- The strategic direction for agriculture to maintain productive values and maintain agricultural viability

- The importance of ensuring that new development does not compromise existing mineral extraction activities through reverse sensitivity and recognition that mineral extraction is an expected and ongoing activity within the rural areas
- The importance of identifying both unique and important natural heritage as well as areas where subdivision use and development can occur
- Supporting Poutini Ngāi Tahu as kaitiaki, in economic activity around tourism and visitors and in their management of pounamu and Aotea stone resources.

There are three Rural Zones on the WestCoast/Tai Poutini - the General Rural Zone, the Rural Lifestyle Zone and the Settlement Zone. There is one Precinct in the General Rural Zone - the Community Living Precinct. There are three precincts within the Settlement Zone, the Settlement Centre Precinct, the Coastal Settlement Precinct and the Rural Residential Precinct. Alongside the Rural Zone Policies there is a specific policy for each Precinct.

Rural Zones Objectives	
RURZ - O1	To provide for a range of activities that maintain the amenity and rural character values of the rural environment, while retaining productive land and rural activities, and supporting a productive rural working environment.
RURZ - O2	To provide for low-density rural lifestyle living on the outskirts of settlements where this will support settlement viability and not lead to conflicts with productive rural land use or rural character.
RURZ - O3	To maintain and enhance the distinctive character and amenity of West Coast/Tai Poutini settlements while allowing them to grow and adapt as economic activity changes.
RURZ - O4	To support the expansion of existing settlements in areas at low risk of natural hazards, and implement hazard management to reduce the risk where existing development is located in high risk locations.
RURZ - O5	To support the use and extraction of mineral resources located within the rural environment, recognising that these are widespread, and that provided effects are managed, mineral extraction can be appropriate in a range of locations.
Rural Zones Policies	
<i>Rural Amenity and Character</i>	
RURZ - P1	Enable a variety of activities to occur within rural areas while maintaining rural amenity and character. Outside of settlements, activities should: <ul style="list-style-type: none"> a. For buildings and structures have a bulk and location that is characteristic of rural environments; b. Maintain privacy and rural outlook for residential buildings; c. Maintain the characteristic levels of noise and night time darkness of rural areas; d. Be compatible with existing development and the surrounding area; e. Have appropriate setbacks from the road and significant natural features; f. Minimise adverse visual effects if sited on prominent ridges or immediately adjacent to public roads; and g. Have awareness of cultural landscapes and avoid activities being located on the peaks of ancestral mountains.
RURZ - P2	Provide for growth and change to settlements that: <ul style="list-style-type: none"> a. Improves the long term viability of the settlements and their communities; b. Fits with the historic, cultural and environmental character of the existing settlement;

	<ul style="list-style-type: none"> c. Provides new housing opportunities in locations that are away from significant risks to life-safety and property damage from natural hazards d. Integrates with the existing residential settlement and maintains a consolidated settlement form; and e. Does not compromise the dominance of the natural and cultural landscape setting and minimises ribbon residential development along the coastline, on prominent spurs, ridges and skylines and avoids development on the peaks of sacred mountains.
RURZ - P3	Expansion of existing settlements beyond current boundaries should support the existing character and amenity of the settlement and avoid areas of high hazard risk, high natural or Poutini Ngāi Tahu cultural values, or significant agricultural production values.
RURZ - P4	<p>Provide for rural lifestyle development on the outskirts of towns and settlements where this will not conflict with rural production values, and recognising that these have the following characteristics:</p> <ul style="list-style-type: none"> a. Large self-serviced lots; b. A mix of activities; c. Low traffic and moderate noise levels; d. Dominance of open space and plantings over buildings; and e. Setbacks from property boundaries
RURZ - P5	Provide for development of ancillary infrastructure such as airstrips and helipads which support rural land uses such as farming and recreation.
<i>Production Values</i>	
RURZ - P6	Recognise that there are only small areas of high value land and soils for agricultural production on the West Coast/Tai Poutini and where possible locate non-agricultural activities outside of these high value locations.
RURZ - P7	Within the Highly Productive Land Overlay prioritise agricultural uses over other types of activities to protect the ongoing agricultural production potential of these lands.
<i>Non - Rural Activities</i>	
RURZ - P8	Recognise that the rural areas may be the most appropriate location for some utility, industrial or commercial uses to establish, where these have a functional relationship with rural areas, provided the character and amenity of the rural areas is maintained.
RURZ - P9	Recognise that where non rural activities are located in rural areas, this should not be to the detriment of the effective function of towns and settlements, or to avoid the costs of connection to community funded infrastructure.
RURZ - P10	Provide for new commercial and industrial activities within settlements where this does not detract from residential amenity.
<i>Visitor Economy</i>	
RURZ - P11	Recognise that the rural areas form an important part of the visitor economy of the West Coast/Tai Poutini, particularly as a location where tourism and visitor attractions are established.
RURZ - P12	Support the development of appropriate tourism and visitor businesses such as accommodation, education and other facilities which relate to the rural environments in which they are located.
<i>Infrastructure in Rural Areas</i>	
RURZ - P13	<p>Subdivision and development in General Rural and Rural Lifestyle Zones and the Settlement Zone - Rural Residential Precinct should recognise the character and form of rural infrastructure including:</p> <ul style="list-style-type: none"> a. Roads with roadside watertables rather than kerb and channel; b. An absence of street lights and urban style footpaths; and

	c. On site provision of water supply and on site land treatment and disposal of stormwater and wastewater.
RURZ - P14	Within settlements ensure that sufficient sewage, water supply, refuse disposal, roading footpath, open space and parking infrastructure servicing is provided as part of new development.
RURZ - P15	Where community scale infrastructure is developed to support more than 10 privately owned lots this should be to appropriate standards and vested in the Council to ensure ongoing maintenance and renewal.
RURZ - P16	Where new infrastructure is required to support rural lifestyle development or settlement expansion this should be put in place at the time of development at the expense of the developer.
<i>Reverse sensitivity</i>	
RURZ - P17	New development should be designed and located with sufficient buffers so that existing rural uses and consented activities are not unreasonably compromised by the proximity of sensitive neighbouring activities.
RURZ - P18	There should be sufficient buffers provided from infrastructure such as wastewater treatment plants and land disposal areas, transmission infrastructure and water supply catchments to avoid reverse sensitivity effects on the infrastructure.
<i>Papakāinga housing</i>	
RURZ - P19	Enable the housing needs of Poutini Ngāi Tahu whānui to be met in rural areas and locations safe from significant natural hazards where there is a relationship with ancestral lands.
<i>Mineral Extraction</i>	
RURZ - P20	Recognise that mineral resources are fixed in location and enable mineral extraction activities provided adverse effects are managed.
RURZ - P21	Manage conflicts between mineral extraction activities and other land uses by ensuring that: <ul style="list-style-type: none"> a. Standards to minimise impacts on the amenity, rural character and natural values of rural areas are met; and b. Activities that are incompatible with the effects of mineral extraction activities are not established close to existing mineral extraction activities.
RURZ - P21	Enable rural production activities to utilise aggregate resources by providing for farm quarries where they are not located within areas with natural environment or heritage and cultural overlays.
RURZ - P22	Require proposals for new mineral extraction activities to provide adequate information on the establishment, operation and rehabilitation of the mineral extraction activity.
RURZ - P23	Sites used for mineral extraction should be rehabilitated to enable the land to be used for other activities appropriate to the area
RURZ - P24	Co-ordinate the approach to mineral extraction activity consents with the West Coast Regional Council, particularly where water resources and soil conservation are affected.
RURZ - P25	When mineral resources of regional or national significance are identified, consider including these areas within the Mineral Extraction Zone.
RURZ - P26	Maintain the quality of the environment and amenity of areas surrounding the mineral extraction activities as far as practicable by: <ul style="list-style-type: none"> a. Utilising management, mitigation and rehabilitation plans as a key tool; b. Managing dust, noise, vibration, access and illumination to maintain amenity values;

	<ul style="list-style-type: none"> c. Managing traffic generation, load type and vehicle characteristics on the operation and maintenance of the transport network; d. Managing impacts on significant indigenous vegetation and significant habitats of indigenous fauna; e. Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity; f. Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale; g. Undertaking remedial measures during extraction operations; and h. Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.
Airfields and Helipads	
RURZ - P26	Manage the location and operation of airfield and helicopter landing areas within the rural area to maintain the amenity values of the surrounding rural and residential areas.
RURZ - P27	Enable aircraft and helicopter movements within the rural area for purposes ancillary to rural production on a seasonal and short-term basis.
SETZ - PREC1 - Settlement Centre Precinct Policy	
RURZ - SETZ - PREC1 - P28	<p>Subdivision, use and development within the Settlement Centre Precinct should:</p> <ul style="list-style-type: none"> a. Maintain or enhance the character and built form of the settlement; b. Adaptively reuse existing heritage and character buildings where practicable; and c. Provide for commercial activities and community facilities which serve the settlement, rural community and visitors.
SETZ - PREC2 - Coastal Settlement Precinct Policy	
RURZ - SETZ - PREC2 - P29	<p>Subdivision, use and development within the Coastal Settlement Precinct should:</p> <ul style="list-style-type: none"> a. Take into account the coastal natural character and scenic landscape values of the area; b. Have appropriate controls on design and height to protect the landscape and coastal natural character values and be undertaken in accordance with the coastal development guidelines; c. Recognise and provide for access to mahinga kai for Poutini Ngāi Tahu; and d. Be located so that significant risks of natural hazards are avoided.
SETZ - PREC3 - Rural Residential Precinct Policy	
RURZ - SETZ - PREC3 - P30	<p>Subdivision, use and development within the Rural Residential Precinct should maintain the predominant rural character and amenity values, which include:</p> <ul style="list-style-type: none"> a. Low-density residential living on rural residential blocks and small-scale rural activities; b. Open space and privacy around buildings; and c. On-site servicing and a general absence of urban infrastructure

GRUZ

General Rural Zone - Rules

Overview

The General Rural Zone is the largest zone on the West Coast/Tai Poutini. Rural land is an important resource as it underpins the social and economic well-being of the Coast. The rural area is a dynamic environment, influenced by changing farming practice and by a wide range of productive activities. The Rural objectives, policies and General Rural Zone rules provide the framework for managing the effects of development within this zone.

The General Rural Zone provides for primary production, such as pastoral farming, livestock, horticulture and forestry. It also provides for resource extraction such as quarrying and mining and intensive indoor farming, such as indoor poultry and pig farms. These activities have the potential to generate adverse activities beyond the boundaries of a site, for example: noises from farm animals and farm machinery, smells from dairy-sheds and associated effluent systems, silage/baleage and agricultural fertiliser, light overspill, and traffic effects from milk tankers, aggregate trucks and stock trucks. The effects of rural production activities therefore need to be appropriately managed and mitigated, while recognising that the General Rural Zone is a production-oriented working environment that is characterised by these activities.

The General Rural Zone is also characterised by an open, vegetated landscape that is interspersed with low density buildings and structures that are predominantly used for rural activities, such as barns and sheds, or larger, more numerous buildings of industrial scale and appearance used for intensive primary production or rural industry. Rural halls, domains and schools which serve the needs of the rural community are also present, however there is a general lack of urban infrastructure in the zone such as street lighting and footpaths. Te Tai o Poutini Plan seeks to maintain rural character.

Where numerous or larger scale buildings or structures are proposed, their location, height and scale are managed to ensure development does not compromise the qualities of the rural setting or rural character.

Urban activities such as commercial and retail, or industrial activities not associated with primary production, are not anticipated in the zone. Rural lifestyle subdivision is also limited due to the potential for reverse sensitivity effects impacting on primary production activities and the potential for fragmentation of productive land.

Relationship with Other Plans

Many activities that occur in rural areas are also regulated by the West Coast Regional Council through Regional Plans, including the Regional Land and Water Plan, Regional Air Plan and Regional Coastal Plan. When planning to undertake an activity, the status under the relevant Regional Plans should be also be confirmed and any necessary resource consents applied for under both Plans.

General Rural Zone Rules

Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in [General Approach](#).

Permitted Activities

GRUZ - R1

Agricultural, Pastoral or Horticultural Activities

Activity Status Permitted

Where:

1. The maximum gross ground floor area of a single building is 500m²;
2. Maximum building height above ground level is 10m;
3. Buildings are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary, and 10m from internal boundaries;
4. The minimum separation distance between buildings housing more than 10 animals or commercial livestock and a residential/settlement/rural lifestyle zone

Activity status where compliance not achieved: Discretionary

<p>boundary shall be 30m and from any dwelling on another site 50m, and from any other boundary 20m; and</p> <p>5. Performance standards for beekeeping in the Westland District apply as follows:</p> <p>i. For beekeeping no bees may be kept on a property less than 600m² net site area and beehives must be placed with an obstruction in front of them or be elevated to ensure all bees are above 2.5m above ground level prior to crossing the site boundary.</p>	
<p>GRUZ - R2 Conservation and Recreation Activities</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> All performance standards for Rule GRUZ - R1 are complied with. 	<p>Activity status where compliance not achieved: Discretionary</p>
<p>GRUZ - R3 Residential Activities and Residential Units</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> All performance standards for Rule GRUZ - R1 are complied with; Residential unit density is no more than one unit per 20ha net site area except where the site is already in existence at the date of notification of the Plan; There is no more than 3 minor residential units with a maximum gross floor area of 65m² where this is located within 20 metres of and shares the driveway with either the principal residential dwelling or is worker accommodation associated with primary production buildings; Where a dwelling is located within 80m of a State Highway with a speed limit of 70kph or greater, or within 40m of a State Highway with a speed limit of less than 70kph then the dwelling shall be designed, sited and constructed to ensure the internal noise levels for dwellings shall not exceed 35 dB LAeq (1 hour) inside bedrooms or 40 dB LAeq (1 hour) inside other habitable spaces. This standard must be achieved with the windows open unless adequate alternative ventilation that complies with the Building Code is provided; and In the Highly Productive Land Overlay the maximum gross ground floor area of all residential buildings on the site is 350m². 	<p>Activity status where compliance not achieved: Discretionary</p>
<p>GRUZ - R4 Papakāinga Developments</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> All performance standards for rule GRUZ - R1 are complied with; Dwelling density is no more than one unit per hectare net site area up to a maximum of 5 units, however units are able to be clustered; On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga; and Where a dwelling is located within 80m of a State Highway with a speed limit of 70kph or greater, or within 40m of a State Highway with a speed limit of less than 70kph then the dwelling shall be designed, sited and constructed to ensure the internal noise levels for dwellings shall not exceed 35 dB LAeq (1 hour) inside bedrooms or 40 dB LAeq (1 hour) inside other habitable spaces. This standard must be achieved with the windows open. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>GRUZ - R5 Minor structures</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> All performance standards for Rule GRUZ - R1 are complied with. Masts, poles, aerials and pou whenua must not exceed 7m in height; Any antenna dish must be less than 1m in diameter; Any ornamental or garden structure must not exceed 2.4 m in height; and Any other structure must not exceed 10m² and 2m in height. 	<p>Activity status where compliance not achieved: Controlled</p>
<p>GRUZ -R6 Fences Walls and Retaining Walls</p>	

<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. Fences, walls and retaining walls are a maximum 2m height above ground level; and 2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall. 	<p>Activity status where compliance not achieved: Discretionary</p>
<p>GRUZ - R7 Relocated Buildings</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule GRUZ - R1 are complied with; 2. The building was constructed within the 10 years prior to location on the site; 3. Is constructed of new materials; and 4. Is established on foundations complying with the Building Code at the time of relocation. 	<p>Activity status where compliance not achieved: Controlled</p>
<p>GRUZ - R8 Short-term Residential Visitor Accommodation</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. Where this is ancillary to a residential or rural activity; 2. All performance standards for rules GRUZ - R1, NOISE - R1, -R2 and -R4, LIGHT - R1 and -R3 and SIGN - R13 are complied with; 3. There is a maximum of 6 guests at any one time; 4. Notification to the District Council is required prior to the activity commencing; 5. Records of letting activity must be kept and provided to the Council on request; 6. No heavy vehicle movements are generated; and 7. In the Buller District, the accommodation is homestay accommodation with a permanent resident living on site. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>GRUZ - R9 Home Business</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. Where this is ancillary to a residential activity; 2. All performance standards for rules GRUZ - R1, NOISE - R1, -R2 and -R4, LIGHT - R1 and -R3 and SIGN - R13 are complied with; 3. There is a maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week; and 4. No external generation of dust, odour or smoke occurs as part of the activity. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>GRUZ - R10 Fire Stations established by Fire and Emergency New Zealand</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule GRUZ - R1 are complied with. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>GRUZ - R11 Mineral Prospecting and Mineral Exploration</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. This is authorised under a prospecting or exploration permit from NZPAM; 2. Notice is provided to the relevant District Council Consent Authority 5 working days ahead of work being undertaken; 3. Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred; 4. The site shall be rehabilitated generally to its original condition; and 5. All stripped material (including vegetation, soil and debris) is deposited or contained in such a manner that it does not enter any waterbody or cause the destruction of habitat. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

GRUZ - R12	Mineral Extraction	
Activity Status Permitted Where: <ol style="list-style-type: none"> 1. This is undertaken for less than 60 days per 12 month period; or 2. Less than 20,000m³ of material is disturbed or removed within a 12 month period; or 3. Progressive rehabilitation of the mined area occurs so that disturbance is limited to no more than 2ha at any one time per property on which the activity is occurring; And <ol style="list-style-type: none"> a. The activity does not occur within an Outstanding Natural Landscape or Outstanding Natural Feature, an area of significant indigenous vegetation or significant indigenous fauna habitat or within the riparian margins of any stream, river, lake, or wetland, a Historic Heritage site, or a Site of Significance to Māori; b. The activity does not occur within 500m of a Residential, Settlement or Rural Lifestyle Zone boundary; c. The activity does not occur within the Highly Productive Land Overlay; d. There are no stockpiles within 20m of the property boundary; e. The maximum stockpile height is 7m; f. There shall be no visible evidence of suspended solids or particulate matter in the air or deposited particular matter beyond the property boundary; g. There are a maximum of 10 heavy vehicle movements and 30 light vehicle movements per day generated by the activity; h. Hours of operation are limited to 7am to 7pm; i. Noise levels meet the Permitted Activity Standards in Rule NOISE -R4; and j. Light meets the Permitted Activity standards in Rule LIGHT - R2. Advice Note: Mineral extraction activity may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to work which may affect waterbodies and wetlands and setbacks are in place for these activities.		Activity status where compliance not achieved: Controlled
GRUZ - R13	Community Halls	
Activity Status Permitted Where: <ol style="list-style-type: none"> 1. These were lawfully established at the time of notification of the Plan; 2. Hours of operation are limited to: <ol style="list-style-type: none"> i. 7am to 10pm Sunday - Thursday; ii. 7am to 12pm midnight Friday and Saturday; except ii. No restriction on hours is in place for up to 12 days per calendar year. 		Activity status where compliance not achieved: Restricted Discretionary
Controlled Activities		
GRUZ - R14	Minor structures not meeting Permitted Activity Standards	
Activity Status Controlled Where: <ol style="list-style-type: none"> 1. The minor structure does not exceed 10m in height; and 2. All other performance standards for Rule GRUZ - R1 are complied with. Matters of control are: <ol style="list-style-type: none"> a. Design and location of structures; and b. Landscape measures. 		Activity status where compliance not achieved: Discretionary
GRUZ - R15	Relocated Buildings not meeting Permitted Activity standards	
Activity Status Controlled Where: <ol style="list-style-type: none"> 1. All performance standards for Rule GRUZ - R1 are complied with. Matters of control are: <ol style="list-style-type: none"> a. Design and location of structures; 		Activity status where compliance not achieved: Discretionary

<ul style="list-style-type: none"> b. Landscape measures; and c. Appearance of buildings. 	
GRUZ - R16	Mineral Extraction not meeting Rule GRUZ - R11
<p>Activity Status Controlled Where:</p> <ol style="list-style-type: none"> 1. The activity occurs in previously mined locations identified in Schedule xxxxx 2. The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, an area of significant indigenous vegetation or significant fauna habitat, the riparian margins of any stream, river, lake, or wetland, a Historic Heritage site, or a Site of Significance to Māori; 3. The activity does not occur within 250m of a Residential or Settlement Zone boundary; and 4. The activity does not occur within the Highly Productive Land Overlay. <p>Matters of control are:</p> <ol style="list-style-type: none"> a. Management of access, parking, traffic generation and transport of minerals from the site; b. Noise, glare, light, dust, blasting and vibration management; c. Hours of operation; d. Hazardous substances and waste management; e. Historic and cultural heritage requirements; f. Extent and design of earthworks and native vegetation clearance; g. Effects on any threatened fauna or their habitats; h. Design and location of ancillary buildings, structures and infrastructure; i. Landscape measures; j. Maintaining public access; k. Effects on riparian margins and water quality; l. Monitoring, reporting and community liaison requirements; m. Financial contributions and any requirement for bonds; and n. Site rehabilitation and mine closure requirements. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
Restricted Discretionary Activities	
GRUZ - R17	Intensive Indoor Primary Production
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 1. This is outside of the Highly Productive Land Overlay; and 2. Performance standards for Rule GRUZ - R1 are complied with. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Bulk and location of buildings; b. Management of access, traffic and parking; c. Management of odour, noise, lighting and dust; d. Method of effluent management and disposal; e. Landscape measures; f. Hours of operation; g. Any impacts on the production values of the surrounding land; h. Effects on visual amenity and rural character; and i. Methods of wastewater and stormwater treatment and disposal. 	<p>Activity status where compliance not achieved: Discretionary</p>
GRUZ - R18	Rural Industry
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 1. This is outside of the Highly Productive Land Overlay; and 2. Performance standards for Rule GRUZ - R1 are complied with. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Bulk and location of buildings; b. Management of access, traffic and parking; c. Management of odour, noise, lighting and dust; 	<p>Activity status where compliance not achieved: Discretionary</p>

<ul style="list-style-type: none"> d. Hours of operation e. Landscape measures; f. Any requirement for financial contributions; g. Any impacts on the production values of the surrounding land; h. Effects on visual amenity and rural character; and i. Methods of wastewater and stormwater treatment and disposal. 	
GRUZ - R19	Visitor and Temporary Worker Accommodation not meeting Permitted Activity Standards
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 1. This is ancillary to a farming, conservation or residential activity; and 2. Performance standards for Rule GRUZ - R1 are complied with. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Number of visitors/workers staying on site; b. Number of days of use for the accommodation; c. Management of traffic and parking; d. Landscape measures; e. Any impacts on the production values of the surrounding land; f. Any requirement for financial contributions; g. Effects on visual amenity and rural character; and h. Methods of wastewater treatment and disposal. 	<p>Activity status where compliance not achieved: Discretionary</p>
GRUZ - R20	Papakāinga Developments not meeting Permitted Activity Standards
<p>Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Design and location of structures; b. Requirements for wastewater, water supply or stormwater servicing; c. Any requirement for financial contributions; d. Landscape measures; and e. Appearance of buildings. 	<p>Activity status where compliance not achieved: N/A</p>
GRUZ - R21	Non-rural Activities
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 1. This is not located in the Highly Productive Land Overlay; 2. The maximum floor and yard area for any non-rural activity shall be 250m²; and 3. All performance standards for Rule GRUZ - R1 are complied with. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Management of access, traffic and parking; b. Landscape measures; c. Hours of operation; d. Management of odour, noise, lighting and dust; e. Any impacts on the production values of the surrounding land; f. Any requirement for financial contributions; g. Effects on visual amenity and rural character; and h. Methods of wastewater and stormwater treatment and disposal. 	<p>Activity status where compliance not achieved: Discretionary</p>
GRUZ - R22	Mineral Extraction Activities not complying with Rule GRUZ - R10 or GRUZ-R14
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 1. The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site, or a Site of Significance to Māori <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Management of access, parking and traffic generation; 	<p>Activity status where compliance not achieved: Discretionary</p>

	<ul style="list-style-type: none"> b. Noise, glare, light, dust, blasting and vibration management; c. Hours of operation; d. Hazardous substances and waste management; e. Historic and cultural heritage requirements; f. Extent and management of earthworks and native vegetation clearance; g. Effects on any threatened fauna or their habitats; h. Design and location of buildings, structures and infrastructure; i. Landscape measures; j. Maintaining public access; k. Effects on riparian margins and water quality; l. Monitoring, reporting and community liaison requirements; m. Financial contributions and any requirement for bonds; and n. Site rehabilitation and mine closure requirements. 	
Discretionary Activities		
GRUZ - R23	Agricultural, Pastoral and Horticultural Activities, Conservation and Recreation Activities not meeting Permitted, Controlled or Restricted Discretionary Activity Rules	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
GRUZ - R24	Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting Permitted or Controlled Activity Rules	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
GRUZ - R25	Intensive Indoor Primary Production or Rural Industry not meeting Permitted or Restricted Discretionary Activity Rules	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
GRUZ - R26	Non-rural activities not meeting Permitted or Restricted Discretionary Activity Rules	
Activity Status Discretionary Where the activity is not:		Activity status where compliance not achieved:
<ul style="list-style-type: none"> 1. Large format retail with a floor and/or yard area of greater than 250m²; or 2. Non - rural industrial activities located within 10km of any Industrial Zone site of sufficient size to accommodate the activity; or 3. Non-rural activities located in the Highly Productive Land Overlay. 		Non-complying
GRUZ -R27	Visitor and Temporary Worker Accommodation not meeting Permitted or Restricted Discretionary Activity Rules	
Activity Status Discretionary Except where this is:		Activity status where compliance not achieved:
<ul style="list-style-type: none"> 1. Located in the Highly Productive Land Overlay; 2. Not ancillary to a Farming, Conservation or Residential Activity. 		Non-complying
GRUZ - R28	Mineral Extraction Activities not meeting Rule GRUZ - 19	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
Non Complying Activities		
GRUZ - R29	Non-rural activities, Visitor and Temporary Worker Accommodation not meeting any other Rule in the zone	

Activity Status Non-complying	Activity status where compliance not achieved: N/A
GRUZ - R30	Any activity not meeting another Rule in the zone
Activity Status Non-complying	Activity status where compliance not achieved: N/A

RLZ

Rural Lifestyle Zone - Rules

Overview

The Rural Lifestyle Zone is generally located close to the main towns and settlements. It includes areas that were predominantly farmed in the past, but have gradually taken on a more residential character. The role of the Rural Lifestyle Zone is to provide for a residential lifestyle within a rural environment on lots smaller than those of the General Rural Zone, while still allowing rural activities to occur. Providing for the Rural Lifestyle Zone enables the General Rural Zone to continue to function as a productive working zone that is not compromised by ad hoc or sporadic subdivision and/or rural lifestyle living activities.

The Rural objectives, policies and Rural Lifestyle Zone rules provide the framework for managing the effects of development within this zone.

Subdivision and development in the zone is expected to provide an appropriate transition to the surrounding General Rural Zone by retaining a sense of spaciousness and prevailing rural character. Because the Rural Lifestyle Zone directly abuts the General Rural Zone, reverse sensitivity with common rural activities such as mining and quarrying and dairy sheds alongside the typical noises and smells of rural areas is an issue. For this reason, the zone's provisions seek to maintain rural lifestyle character and amenity, including by managing density and building setbacks from internal and road boundaries.

Given the proximity of rural lifestyle areas to urban areas, there is the potential for activities that are more typically associated with urban areas to seek to establish in this zone. General residential living at urban densities, stand-alone retail/business activities and industrial are not provided for or anticipated in the zone as they can reduce rural character and amenity, lead to reverse sensitivity and cumulative effects and undermine the role and function of Residential and Commercial and Mixed Use zones. Activities that are complementary to rural lifestyle, such as agriculture, pastoral and horticulture activities and home occupations are provided for in the zone, at a scale appropriate to the size of the lots.

Rules	
Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.	
Permitted Activities	
RLZ - R1	Agricultural, Horticultural and Pastoral Activities
Activity Status Permitted Where: 1. The activity does not include: i. Intensive primary production; ii. The storage and disposal of solid or liquid animal waste other than that generated on the site; iii. Stock sale yards; or iv. Farm quarries;	Activity status where compliance not achieved: Discretionary

<ol style="list-style-type: none"> 2. The maximum gross ground floor area of a single building is 350m²; 3. The maximum height above ground level for residential buildings is 10m and non-residential buildings is 7m; 4. Buildings are set back a minimum of 10m from the road boundary, 20m from the State Highway Boundary and 10m from all internal boundaries; 5. Site coverage is a maximum of 30%; and 6. Performance standards for commercial poultry farming and pig keeping apply as follows: <ol style="list-style-type: none"> i. For poultry setbacks of 10m from any residential dwelling on another site and 2m from the site boundary; ii. For pig keeping setbacks of 50m from any residential dwelling on another site and 100m for any shelter holding 4 or more pigs; 7. Performance standards for beekeeping in the Westland District apply as follows: <ol style="list-style-type: none"> i. For beekeeping no bees may be kept on a property less than 600m² net site area and beehives must be placed with an obstruction in front of them or be elevated to ensure all bees are above 2.5m above ground level prior to crossing the site boundary. 	
RLZ - R2 Conservation Activities	
Activity Status Permitted Where: <ol style="list-style-type: none"> 1. All performance standards for rule RLZ - R1 are complied with. 	Activity status where compliance not achieved: Discretionary
RLZ - R3 Residential Activities and Residential Units	
Activity Status Permitted Where: <ol style="list-style-type: none"> 1. All performance standards for rule RLZ - R1 are complied with; 2. Residential unit density is no more than one unit per 1ha net site area on physically contiguous land except where the site is already in existence at the date of notification of the Plan; 3. There is no more than 1 minor residential unit with a maximum gross floor area of 65m² where this is located within 20 metres of and shares the driveway with the principal residential dwelling; and 4. Where the residential unit is located within 80m of a State Highway with a speed limit of 70kph or greater, or within 40m of a State Highway with a speed limit of less than 70kph then the dwelling shall be designed, sited and constructed to ensure the internal noise levels for dwellings shall not exceed 35 dB LAeq (1 hour) inside bedrooms or 40 dB LAeq (1 hour) inside other habitable spaces. This standard must be achieved with the windows open unless adequate alternative ventilation that complies with the Building Code is provided. 	Activity status where compliance not achieved: Discretionary
RLZ - R4 Papakāinga Developments	
Activity Status Permitted Where: <ol style="list-style-type: none"> 1. All performance standards for rule RLZ - R1 are complied with; 2. Dwelling density is no more than one unit per 1000m² net site area, however units are able to be clustered; 3. On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga; and 4. Where a dwelling is located within 80m of a State Highway with a speed limit of 70kph or greater, or within 40m of a State Highway with a speed limit of less than 70kph then the dwelling shall be designed, sited and constructed to ensure the internal noise levels for dwellings shall not exceed 35 dB LAeq (1 hour) inside bedrooms or 40 dB LAeq (1 hour) inside other habitable spaces. This standard must be achieved with the windows open. 	Activity status where compliance not achieved: Discretionary
RLZ - R5 Minor Structures	

<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. All performance standards for rule RLZ - R1 are complied with; 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. Any antenna dish must be less than 1m in diameter; 4. Any ornamental or garden structure must not exceed 2.4 m in height; and 5. Any other structure must not exceed 10m² and 2m in height. 	<p>Activity status where compliance not achieved: Controlled</p>
<p>RLZ - R6 Fences Walls and Retaining Walls</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. Fences, walls and retaining walls are a maximum 2m height above ground level; and 2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall. 	<p>Activity status where compliance not achieved: Discretionary</p>
<p>RLZ - R7 Relocated Buildings</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. All performance standards for rule RLZ - R1 are complied with; 2. The building was constructed within the 10 years prior to location on the site; 3. Is constructed of new materials; and 4. Is established on foundations complying with the Building Code at the time of relocation. 	<p>Activity status where compliance not achieved: Controlled</p>
<p>RLZ - R8 Home Business</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. All performance standards for rule RLZ - R1 are complied with; 2. Hours of operation are limited to: <ol style="list-style-type: none"> i. 7am-10pm weekdays; and ii. 8am - 8pm weekends and public holidays; Except where: <ol style="list-style-type: none"> a. The entire activity is located within a building; b. Each person engaged in the activity outside the above hours resides permanently on site; and c. There are no visitors, customers or deliveries to the activity outside of the above hours; and 3. A maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week; and 4. No external generation of dust, odour or smoke occurs as part of the activity. 	<p>Activity status where compliance not achieved: Discretionary</p>
<p>RLZ - R9 Short Term Visitor Accommodation</p>	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. This is ancillary to a Residential Activity; 2. All performance standards for rules RLZ - R1, NOISE - R1, -R2, and -R4, LIGHT - R1 and -R3 and SIGN -R13 and are complied with; 3. There is a maximum of 6 guests at any one time; 4. Notification to the District Council is required prior to the activity commencing; 5. No heavy vehicle movements are generated; and 6. Records of letting activity must be kept and provided to the Council on request; and 7. In the Buller District the accommodation is homestay accommodation with a permanent resident living on site. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>RLZ - R10 Community Facilities and Recreational Facilities</p>	

Activity Status Permitted		Activity status where compliance not achieved: Discretionary
<p>Where:</p> <ol style="list-style-type: none"> 1. All performance standards for rules RLZ - R1, NOISE - R4 and LIGHT - R3 are complied with; 2. Hours of operation are limited to: <ol style="list-style-type: none"> i. 7am-10pm weekdays; and ii. 8am - 8pm weekends and public holidays; except iii. For community halls lawfully established at the time of notification of the Plan: <ol style="list-style-type: none"> a. Hours of operation on Friday and Saturday are 7am - 12pm midnight; and b. No restriction on hours is in place for up to 12 days per calendar year. 		
RLZ - R11	Mineral Prospecting and Mineral Exploration	
Activity Status Permitted		Activity status where compliance not achieved: Restricted Discretionary
<p>Where:</p> <ol style="list-style-type: none"> 1. This is authorised under a prospecting or exploration permit from NZPAM; 2. Notice is provided to the relevant District Council Consent Authority 5 working days ahead of work being undertaken; 3. Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred; 4. The site shall be rehabilitated generally to its original condition; and 5. All stripped material (including vegetation, soil and debris) is deposited or contained in such a manner that it does not enter any waterbody or cause the destruction of habitat. 		
Controlled Activities		
RLZ - R12	Minor structures not meeting Rule RLZ - R5	
Activity Status Controlled		Activity status where compliance not achieved: Discretionary
<p>Where:</p> <ol style="list-style-type: none"> 1. The minor structure does not exceed 10m in height; and 2. All other performance standards for rule RLZ - R5 are met. <p>Matters of control are:</p> <ol style="list-style-type: none"> a. Design and location of structures; and b. Landscape measures. 		
RLZ - R13	Relocated Buildings not meeting Rule RLZ - R6	
Activity Status Controlled		Activity status where compliance not achieved: Discretionary
<p>Where:</p> <ol style="list-style-type: none"> 1. All performance standards for rule RLZ - R1 are complied with. <p>Matters of control are:</p> <ol style="list-style-type: none"> a. Design and location of structures; b. Landscape measures; and c. Appearance of buildings. 		
Restricted Discretionary Activities		
RLZ - R14	Short-term Visitor Accommodation not meeting Rule RLZ - R9	
Activity Status Restricted Discretionary		Activity status where compliance not achieved: Discretionary
<p>Where:</p> <ol style="list-style-type: none"> 1. This is ancillary to a farming, conservation or residential activity; and 2. All performance standards for rule RLZ - R1 are complied with. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Number of visitors staying on site; b. Number of days of use for the visitor accommodation; c. Management of traffic and parking; d. Landscape measures; 		

	e. Any impacts on the production values of the surrounding land; f. Effects on visual amenity and rural character; and g. Methods of wastewater treatment and disposal.	
RLZ - R15	Mineral Extraction Activities not meeting Rule RLZ - R11	
Activity Status Restricted Discretionary Where: 1. The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site, or a Site of Significance to Māori. Discretion is restricted to: a. Management of access, parking, traffic generation and transport of minerals from the site; b. Noise, glare, light, dust, blasting and vibration management; c. Hours of operation; d. Hazardous substances and waste management; e. Historic and cultural heritage requirements; f. Extent and design of earthworks and native vegetation clearance; g. Effects on any threatened fauna or their habitats; h. Design and location of ancillary buildings, structures and infrastructure; i. Landscape measures; j. Maintaining public access; k. Effects on riparian margins and water quality; l. Monitoring, reporting and community liaison requirements; m. Financial contributions and any requirement for bonds; and n. Site rehabilitation and mine closure requirements.	Activity status where compliance not achieved: Discretionary	
Discretionary Activities		
RLZ - R16	Agricultural, Horticultural and Pastoral Activities not meeting RLZ - R1	
Activity Status Discretionary Where: 1. The activity does not include: a. Intensive primary production; b. The storage and disposal of solid or liquid animal waste other than that generated on the site; or c. Stock sale yards.	Activity status where compliance not achieved: Non-complying	
RLZ - R17	Commercial Activities	
Activity Status Discretionary Where: 1. The maximum combined floor and yard area for any Commercial activity shall be 100m ² ; and 2. Performance standards for Rule RLZ - R1 are complied with.	Activity status where compliance not achieved: Non-complying	
RLZ - R18	Conservation Activities, Recreation Activities and Community Facilities not meeting Permitted Activity Rules	
RLZ - R19	Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting Permitted or Controlled Activity Rules	
RLZ - R20	Visitor Accommodation not meeting Permitted or Restricted Discretionary Activity Rules	
RLZ - R21	Home Business not meeting Permitted or Restricted Discretionary Activity Rules	
RLZ - R22	Residential Activities and Papakāinga Developments not meeting Permitted Activity Rules	
RLZ - R23	Mineral Extraction Activities not meeting Permitted or Restricted Discretionary Activity Rules	

Activity Status Discretionary	Activity status where compliance not achieved: N/A
Non Complying Activities	
RLZ - R24	Agricultural, Horticultural and Pastoral Activities and Commercial Activities not meeting the Permitted or Discretionary Activity Rules
RLZ - R25	Industrial Activities including Rural Industry
RLZ - R26	Any activity not provided for in another rule in the zone

SETZ

Settlement Zone - Rules

Overview

The Settlement Zone covers all the wide range of settlements that are outside of the four main towns throughout the West Coast. Settlements differ from the main towns because of their small scale and low intensity of development. They comprise a mixture of residential, commercial, recreational, rural, community and other uses, often interspersed. The character of settlements is influenced by the prevailing mixture of uses, large section sizes, low intensity of development and informal appearance.

The extent of reticulated services is limited. While some settlements in Grey District have a reticulated water supply, most settlements have no reticulated servicing, and are reliant on the use of on-site wastewater systems and water supplies. The degree of road infrastructure is also variable. Older settlements may have a main street with footpaths, streetlights and kerb and channel, but many locations do not have this infrastructure and this more rural character will generally prevail in new development.

The Settlement Zone provides for residential activities as well as some commercial activities. Where industrial activities are proposed these need to be undertaken in an Industrial Zone.

There are three Precincts within the Settlement Zone - Settlement Centre, Coastal Settlement and Rural Residential.

The Rural objectives, policies and Settlement Zone rules provide the framework for managing the effects of development in the Settlement Zone. However there are additional specific policies and rules for each of the three Precincts. Where there is a conflict between a Settlement Zone provision and a Precinct provision, the Precinct provision applies.

SETZ - PREC1 -Settlement Centre Precinct is located in settlements where a focal community and commercial area is developing. It is anticipated that the Settlement Centre character will develop over time, with more commercial development in particular. This precinct anticipates the possibility that the settlement will grow and demand for retail and commercial services will increase, and that community facilities could be developed or expanded with this growth. Settlement Centre Precincts are identified in Karamea, Charleston Springs Junction, Punakaiki, Blackball, Moana, Dobson, Barrytown, Ahaura, Ngahere, Kumara, Ross, Harihai, Kaniere, Haast and Okahu/Jackson Bay.

SETZ - PREC2 - Coastal Settlement Precinct is located over settlements which are located in coastal areas, generally within or near areas of high coastal natural character and coastal landscape values. The Coastal Settlement Precinct provides principally for residential activities, and a low-scale development and subdivision pattern which fits with the surrounding scenic landscape. Design of buildings, their size and location are all key matters which are controlled within the Coastal Settlement Precinct. Little Wanganui (subdivision area), Punakaiki (including within Grey District), Rapahoe, Ōkarito, Okuru, Hannah's Clearing, Neil's Beach, Mahitahi/Bruce Bay and Okahu/Jackson Bay are included in the Coastal Settlement Precinct. Design Guidelines for the Coastal Settlement Precinct are referred to in the Rules and included within this Plan.

SETZ - PREC 3 - Rural Residential Precinct is located over areas on the edge of settlements and towns where larger lots - 4000m² are provided for a more rural residential lifestyle. These areas sit

on an interface with the General Rural Zone and avoiding reverse sensitivity for rural uses is often as important as managing the amenity for residents within the Precinct. Alongside residential uses, some sorts of rural activities such as small scale horticulture or market gardening, or grazing of animals may occur in this Precinct, reflecting its more rural character. The Precinct is also characterised by more rural infrastructure with an absence of footpaths, streetlights and kerb and channel in these areas.

Rules	
<p>Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.</p>	
Permitted Activities	
SETZ - R1	Residential Activities and Residential Buildings - Density
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. Residential unit density is no more than: <ol style="list-style-type: none"> i. 1 unit per 500m² net site area in areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems; or ii. 1 unit per 1000m² net site area in areas where there is on site servicing of wastewater, water supply and stormwater systems; except iii. In the Rural Residential Precinct residential unit density is 1 unit per 4000m² net site area; and 2. There is no more than 1 minor residential unit per residential site with a maximum gross floor area for the residential activity of 65m². 	<p>Activity status where compliance not achieved: Discretionary</p>
SETZ - R2	Residential Activities and Residential Buildings - Design
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. The maximum height above ground level for buildings is: <ol style="list-style-type: none"> i. 10m for residential buildings and 7m for accessory buildings; except ii. 5m for buildings in the Coastal Settlement Precinct; and iii. 12m for buildings in the Settlement Centre Precinct; 2. The maximum site coverage is: <ol style="list-style-type: none"> i. 40%; except ii. Maximum site coverage is 60% in the Settlement Centre Precinct 3. The maximum gross ground floor area of any one building <ol style="list-style-type: none"> i. Is 350m²; except ii. In the Coastal Settlement Precinct the gross ground floor area is a maximum of 200m² total for all buildings on the site. 4. Where a dwelling is located within 80m of a State Highway with a speed limit of 70kph or greater, or within 40m of a State Highway with a speed limit of less than 70kph then the dwelling shall be designed, sited and constructed to ensure the internal noise levels for dwellings shall not exceed 35 dB LAeq (1 hour) inside bedrooms or 40 dB LAeq (1 hour) inside other habitable spaces. This standard must be achieved with the windows open unless adequate alternative ventilation that complies with the Building Code is provided. 5. Buildings are setback from boundaries as follows: <ol style="list-style-type: none"> i. 5m from the road and any General Rural or Industrial Zone boundary and 1m from internal boundaries; except ii. In the Rural Residential Precinct all buildings are setback 10m from road boundaries, residential buildings are setback 10m from the internal boundaries and non-residential buildings are setback 5m from internal boundaries; 	<p>Activity status where compliance not achieved: Discretionary where standards 1-4 are not complied with.</p> <p>Restricted Discretionary where standards 5-6 are not complied with.</p>

<ul style="list-style-type: none"> iii. In the Settlement Centre Precinct no setback from the road boundary is required provided that where there is no setback a verandah is provided over the adjacent footpath. 6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary except where neighbour's consent is provided to the Council. <p>This standard does not apply to:</p> <ul style="list-style-type: none"> i. Road boundaries; ii. Buildings on adjoining sites that have a common wall along the boundary; ii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; v. Boundaries adjoining any site in a Commercial, Mixed Use, General Industrial or Rural Zone; v. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or vi. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically 	
SETZ - R3 Building Design in the Coastal Settlement Precinct	
Activity Status Permitted Where: <ul style="list-style-type: none"> 1. All standards for Rule SETZ - R2 are complied with; 2. New buildings are no more than 100m² and additions add up to no more than 50m². 	Activity status where compliance not achieved: Restricted Discretionary
SETZ - R4 Papakāinga Developments	
Activity Status Permitted Where: <ul style="list-style-type: none"> 1. All standards for Rule SETZ - R2 are complied with; 2. In areas not serviced by wastewater, stormwater and water supply the average dwelling density is no more than one unit per 1000m² net site area, although units are able to be clustered; and 3. On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga. 	Activity status where compliance not achieved: Discretionary
SETZ - R5 Agricultural, Horticultural and Pastoral Activities, Recreational Activities and Conservation Activities	
Activity Status Permitted Where: <ul style="list-style-type: none"> 1. All standards for Rule SETZ - R2 are complied with; 2. The activity does not include: <ul style="list-style-type: none"> a. Intensive indoor primary production; b. The storage and disposal of solid or liquid animal waste; c. Woodlots; d. Stock sale yards; or e. Farm quarries 3. Performance standards for beekeeping, poultry farming and pig keeping apply as follows: <ul style="list-style-type: none"> i. For poultry setbacks of 10m from any residential dwelling and 2m from the site boundary; ii. For pig keeping setbacks of 50m from any residential dwelling and 100m for any shelter holding 4 or more pigs; iii. For beekeeping no bees may be kept on a property less than 600m² net site area, beehives must be placed with an obstruction in front of them or be elevated to ensure all bees are above 2.5m above 	Activity status where compliance not achieved: Discretionary

	ground level prior to crossing the site boundary, and a water trough must be provided and maintained on the property.	
SETZ - R6	Minor Structures	
Activity Status Permitted		Activity status where compliance not achieved: Discretionary
Where:	<ol style="list-style-type: none"> 1. All standards for Rule SETZ - R2 are complied with; 2. Masts, poles, aerials and pou whenua must not exceed 7m in height; 3. Any antenna dish must be less than 1m in diameter; 4. Any ornamental or garden structure must not exceed 2.4 m in height; 5. Any other structure must not exceed 10m² and 2m in height.. 	
SETZ - R7	Fences, Walls and Retaining Walls	
Activity Status Permitted		Activity status where compliance not achieved: Controlled
Where:	<ol style="list-style-type: none"> 1. Fences, walls and retaining walls are a maximum 2m height above ground level; and 2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall. 	
SETZ - R8	Relocated Buildings	
Activity Status Permitted		Activity status where compliance not achieved: Controlled
Where:	<ol style="list-style-type: none"> 1. All standards for Rule SETZ - R2 are complied with; 2. The building was constructed within the 10 years prior to location on the site; and 3. Is established on foundations complying with the Building Code at the time of relocation. 	
SETZ - R9	Home Business	
Activity Status Permitted		Activity status where compliance not achieved: Discretionary
Where:	<ol style="list-style-type: none"> 1. All standards for Rule SETZ - R2 are complied with; 2. There is no limit to hours of operation in the Settlement Centre Precinct; 3. Outside of the Settlement Centre Precinct, hours of operation are limited to: <ol style="list-style-type: none"> i. 7am-10pm weekdays and 8am - 8pm weekends and public holidays; ii. Except where: <ol style="list-style-type: none"> a. The entire activity is located within a building; b. Each person engaged in the activity outside the above hours resides permanently on site; and c. There are no visitors, customers or deliveries to the activity outside of the above hours 4. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or adjoining public place; 5. No external generation of dust, odour or smoke occurs as part of the activity; and 6. A maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week. 	
SETZ - R10	Short-term Visitor Accommodation	
Activity Status Permitted		Activity status where compliance not achieved: Restricted Discretionary
Where:	<ol style="list-style-type: none"> 1. This is not in the Settlement Centre Precinct; 2. This is ancillary to a residential or conservation activity; 3. All performance standards for Rule SETZ - R2 are complied with; 4. There is a maximum of 6 guests at any one time; 5. Notification to the District Council is required prior to the activity commencing; 	

<ol style="list-style-type: none"> 6. Records of letting activity must be kept and provided to the Council on request; 7. No heavy vehicle movements are generated; and 8. In the Buller District the accommodation is homestay accommodation with a permanent resident living on site. 	
SETZ - R11 Short - Term Visitor Accommodation in the Settlement Centre Precinct	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule SETZ - R2 are complied with. <p>Advice Note: All types of visitor accommodation are Permitted in the Settlement Centre Precinct including homestay, hosted short-term residential accommodation, hotels, motels, boarding houses and backpackers.</p>	<p>Activity status where compliance not achieved: Discretionary</p>
SETZ - R12 Community Facilities and Retirement Homes	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. All performance standards for Rule SETZ - R2 are complied with; 2. A maximum of 10 heavy vehicle movements and the greater of 30 light vehicle movements per day or 210 light vehicle movements per week are generated; except: <ol style="list-style-type: none"> i. No vehicle movement limit applies to: <ol style="list-style-type: none"> a. Fire stations; b. Community halls lawfully established at the time of notification of the Plan; or c. Activities within the Settlement Centre Precinct; and 3. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or adjoining public place. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
SETZ - R13 Retail Activities	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. Performance standards for Rule SETZ - R2 are complied with; 2. The activity is located within a Settlement Centre Precinct; 3. Where the activity is located outside of a Settlement Centre Precinct, there is no Settlement Centre Precinct or Commercial Zone within 10km of the site; 4. The maximum combined floor and yard area for any retail activity is 250m² ; and 5. The activity does not include: <ol style="list-style-type: none"> i. Service stations; ii. Yard based retail such as building suppliers; iii. Car sales; and iv. Drive through restaurants. 6. Outside of the Settlement Centre Precinct, hours of operation are limited to 7am-10pm weekdays and 8am - 8pm weekends and public holidays; 7. Outside of the Settlement Centre Precinct there are a maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week generated by the activity; 8. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or adjoining public place; and 9. No external generation of dust, odour or smoke occurs as part of the activity. 	<p>Activity status where compliance not achieved: Discretionary</p>
SETZ - R14 Commercial Activities other than Retail, Home Business or Visitor Accommodation	
<p>Activity Status Permitted Where:</p>	<p>Activity status where compliance not</p>

<ol style="list-style-type: none"> 1. The activity does not occur in the Coastal Settlement Precinct or the Rural Residential Precinct; 2. Performance standards for Rules SETZ - R2 are complied with; and 3. Outside of the Settlement Centre Precinct, hours of operation are limited to: 7am-10pm weekdays and 8am - 8pm weekends and public holidays 4. Outside of the Settlement Centre Precinct, a maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week. 5. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or public place; and 6. No external generation of dust, odour or smoke occurs as part of the activity. 	<p>achieved: Restricted Discretionary</p>
SETZ - R15	Mineral Prospecting and Mineral Exploration
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. This is authorised under a prospecting or exploration permit from NZPAM; 2. Notice is provided to the relevant District Council Consent Authority 5 working days ahead of work being undertaken; 3. Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred; 4. The site shall be rehabilitated generally to its original condition; and 5. All stripped material (including vegetation, soil and debris) is deposited or contained in such a manner that it does not enter any waterbody or cause the destruction of habitat. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>
SETZ - R16	Port Activities at Jackson Bay Port
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. These are undertaken on the following lots: <ol style="list-style-type: none"> i. Section 208 TN OF Arawata; ii. Section 209 TN OF Arawata; iii. Section 2010 TN OF Arawata; 2. Permitted Port Activities are limited to the following: <ol style="list-style-type: none"> i. Cargo handling, including the loading, unloading, storage, processing and transit of cargo (including fish); ii. Passenger handling, including the loading, unloading and transit of passengers including passenger or cruise ship terminals; iii. Port administration; iv. Facilities for recreational boating; v. Activities associated with surface navigation; and vi. Ancillary buildings, structures, utilities, signs, parking, landscaping, offices and other facilities. 3. Maximum building size is 200m²; 4. Maximum building height is 5m; 5. Buildings must be setback 1m from the road and internal boundaries; and 6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any Settlement Zone site boundary except where neighbour's consent is provided to the Council. <p>This standard does not apply to:</p> <ol style="list-style-type: none"> i. Road boundaries; ii. Buildings on adjoining sites that have a common wall along the boundary; ii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; v. Boundaries adjoining any site in a Commercial, Mixed Use, General Industrial or Rural Zone; 	<p>Activity status where compliance not achieved: Discretionary</p>

<p>v. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or</p> <p>vi. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically</p>	
Controlled Activities	
SETZ - R16 Minor Structures not meeting Rule SETZ - R6	
<p>Activity Status Controlled Where:</p> <ol style="list-style-type: none"> 1. This is not located in the Coastal Settlement Precinct; 2. The minor structure does not exceed 10m in height; and 3. All performance standards other than height for rule SETZ - R2 are complied with. <p>Matters of control are:</p> <ol style="list-style-type: none"> a. Design and location of structures; and b. Landscape measures. 	<p>Activity status where compliance not achieved: Discretionary</p>
SETZ - R17 Relocated Buildings	
<p>Activity Status Controlled Where:</p> <ol style="list-style-type: none"> 1. This is not located in the Coastal Settlement Precinct; and 2. All performance standards other than height for rule SETZ - R2 are complied with. <p>Matters of control are:</p> <ol style="list-style-type: none"> a. Design and location of structures; b. Landscape measures; and c. Appearance of buildings. 	<p>Activity status where compliance not achieved: Discretionary</p>
Restricted Discretionary Activities	
SETZ - R18 Residential Buildings not meeting Rule SETZ - R2	
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 1. <ol style="list-style-type: none"> i. The building projects into the 45 degree recession plane; or ii. The building is set back less than the 1m from internal boundaries or 10m from internal boundaries in the Rural Residential Precinct; and 2. All other performance standards for rule SETZ - R2 are complied with. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Design and location of buildings; b. Size and height of buildings; c. Any requirement for financial contributions; d. Design and location of parking and access; and e. Landscape measures. 	<p>Activity status where compliance not achieved: Discretionary</p>
SETZ - R19 Buildings in the Coastal Settlement Precinct not meeting Permitted or Controlled Activity Rules	
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 1. All performance standards for rule SETZ - R2 are complied with. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Design, size, height and location of buildings; b. Design, size and location of parking and access; c. Any requirement for financial contributions; d. Retention of existing vegetation; e. Volume and location of earthworks; and f. Landscape measures. 	<p>Activity status where compliance not achieved: Discretionary</p>

SETZ - R20	Short-term Visitor Accommodation not meeting Rule STEZ - R10	
Activity Status Restricted Discretionary Where: <ol style="list-style-type: none"> 1. All performance standards for rule SETZ - R2 are complied with. Discretion is restricted to: <ol style="list-style-type: none"> a. Number of visitors staying on site; b. Number of days of use for the visitor accommodation; c. Management of traffic and parking; d. Landscape measures; e. Any impacts on the production values of the surrounding land; f. Any requirement for financial contributions; g. Effects on visual amenity and rural character; and h. Methods of wastewater treatment and disposal. 		Activity status where compliance not achieved: Discretionary
SETZ - R21	Community Facilities and Retirement Homes not meeting Rule SETZ - R12	
Activity Status Restricted Discretionary Discretion is restricted to: <ol style="list-style-type: none"> a. Design and location of buildings; b. Size and height of buildings; c. Vehicle movements and access; d. Design and location of parking and access; e. Landscape measures; f. Any requirement for financial contributions; g. Hours of operation; and h. Acoustic and noise management requirements. Notification: Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.		Activity status where compliance not achieved: N/A
SETZ - R22	Rural Industry	
Activity Status Restricted Discretionary Where: <ol style="list-style-type: none"> 1. This is not in the Coastal Settlement Precinct; 2. There is no Industrial Zoned site of sufficient size to accommodate the activity within 10km of the proposed site; and 3. All performance standards for rule SETZ - R2 are complied with. Discretion is restricted to: <ol style="list-style-type: none"> a. Design and location of buildings; b. Design and location of parking and access; c. Landscape measures; d. Hours of operation; e. Vehicle movements; f. Any requirement for financial contributions; g. Management of odour, noise, light and dust; and h. Acoustic and noise management requirements. 		Activity status where compliance not achieved: Discretionary
SETZ - R23	Mineral Extraction Activities	
Activity Status Restricted Discretionary Where: <ol style="list-style-type: none"> 1. The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site, or a Site of Significance to Māori. Discretion is restricted to: <ol style="list-style-type: none"> a. Management of access, parking, traffic generation and transport of minerals from the site; b. Noise, glare, light, dust, blasting and vibration management; 		Activity status where compliance not achieved: Discretionary

c. Hours of operation; d. Hazardous substances and waste management; e. Historic and cultural heritage requirements; f. Extent and design of earthworks and native vegetation clearance; g. Effects on any threatened fauna or their habitats; h. Design and location of ancillary buildings, structures and infrastructure; i. Landscape measures; j. Maintaining public access; k. Effects on riparian margins and water quality; l. Monitoring, reporting and community liaison requirements; m. Financial contributions and any requirement for bonds; and n. Site rehabilitation and mine closure requirements.		
Discretionary Activities		
SETZ - R24	Residential, Conservation, Recreational, Agricultural, Horticultural and Pastoral Activities, Papakāinga, Minor Structures, Fences, Walls, Retaining Walls, Relocated Buildings and Buildings not meeting Permitted or Restricted Discretionary Activity Rules in relation to Performance Standards in SETZ - R1 or SETZ - R2	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
SETZ -R25	Activities and Buildings, Papakāinga, Minor Structures, Fences, Walls and Retaining Walls in the Coastal Settlement Precinct not meeting Permitted, Controlled or Restricted Discretionary Activity Rules	
Activity Status Discretionary Where:		Activity status where compliance not achieved:
1. This is not Industrial Activity located in the Coastal Settlement Precinct.		Non-complying
SETZ -R26	Home Business, Retail Activities, Commercial Activities and Visitor Accommodation not meeting Permitted, Controlled or Restricted Discretionary Activity Rules	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
SETZ -R27	Industrial Activities not meeting Rule SETZ - R21	
Activity Status Discretionary Where:		Activity status where compliance not achieved:
1. This is not located in the Coastal Settlement Precinct. 2. There is no Industrial Zoned site of suitable size to accommodate the activity within 10km of the proposed site.		Non-complying
SETZ - R28	Mineral Extraction Activities not meeting Permitted or Restricted Discretionary Activity Rules	
Activity Status Discretionary		Activity status where compliance not achieved: Non-complying
Non Complying Activities		
SETZ - R229 Any Activity that is not a Permitted, Controlled, Restricted Discretionary or Discretionary Activity		

Activity Status Non-complying

Activity status where compliance not achieved: N/A



Te Tai o Poutini

PLAN

A combined district plan for the West Coast

Project Manager Update

1 August 2021 – 31 August 2021

Prepared By: **Jo Armstrong**
Date Prepared: **31 August 2021**

Accomplishments this Period

- The planning team have been working on the following topics:
 - Schedule of Natural Features
 - Future Urban Zone
 - Natural Hazards
 - Subdivision
 - High Visitor Zone
 - Stadium Zone
 - Jackson Bay Port Zone
 - Residential Visitor Accommodation
 - Riparian Margins and the Coastal Environment
 - Coastal Settlement Design Guidelines
 - Design Guidelines for Greymouth, Hokitika, Westport and Reefton
 - Industrial and Commercial Zones Review
 - Response to National Policy Statement for Freshwater Management requirements in District Plans
- The number and breath of topics is keeping the Planning Team very busy.
- All papers are discussed with, and modified by, the Technical Advisory Team before coming to the Committee.
- Lockdown is not affecting our ability to work, and staff are supported and handling it well. Uncertainty about the length and level of lockdown through into early September and beyond may result in cancelled travel to the West Coast, and the meeting on 2 September is being run via Zoom. We will keep you up to date with plans.
- The Planning, Science and Innovation Manager at WCRC has taken a 10 month secondment overseas. After discussion with Rex, I have agreed to cover most of this role (Planning and Science) until someone is found for the remainder of the time. My focus is on supporting the three team leaders to deliver BAU, so this will limit my time required on the role. WCRC are paying me separately for this work, and I will continue to work fulltime on TTPP as my priority.
- Contact with the mining sector is ongoing. We have offered to run a workshop at the end of

September for extractive industries representatives, and will determine if interest is high enough to go ahead with this workshop.

- A TTPP update was presented at the West Coast Regional Council Resource Management Committee meeting on 10 August.
- A contract has been signed with NIWA and work is underway to identify the landward extent of High Coastal Hazard areas.
- Work has begun on flooding research to identify the residual risk for Hokitika and Greymouth defended areas.
- This month we also contracted for ongoing legal services with Wynn Williams who are located in Christchurch. Wynn Williams have worked with many of the smaller South Island councils, including on the Queenstown Lakes District Council plan.
- A draft contract for work to inform Poutini Ngāi Tahu chapters and other Plan input is currently with Pokeka for completion.
- Confirming that if the meeting on 28 September can happen in person, it will be held at WCRC, preceded by a workshop at 9am.
- At this stage we are still planning to hold the November meeting at Te Tauraka Waka a Maui Marae at Bruce Bay.

Plans for Next Period

- Policy work on topics mentioned above will continue
- Ongoing work on contracts continues
- WCRC LTP hearings and deliberations will be happening in September. I am aiming to attend these, as the TTPP budget is a major contributor to increased costs in the LTP.
- TTPPC meeting at West Coast Regional Council on Thursday 28 September from 10.00 – 3.00 preceded by a workshop commencing at 9.00am.
- TAT meeting also at West Coast Regional Council on 30 September

Key Issues, Risks & Concerns

- COVID lockdown may impact staff wellbeing and the ability to complete the draft Plan on schedule. It could also impact some stakeholder engagement on the draft Plan, but generally Zoom meetings will suffice. TTPP Committee meetings will be held via Zoom as necessary, and this has reduced the quality of discussion on occasions in the past.

Item	Action/Resolution	Responsible	Completion Date
Not getting key stakeholder buy-in	Contact and meet with them individually. Plan a stakeholder workshop and on-going engagement process	Project Manager	28 February 2020
Not producing a proposed plan in a timely manner	Set achievable milestones and monitor/report progress. Identify additional expertise/capacity	Project Manager Planning Team	30 June 2022
Decision makers can't agree	Get agreement on pieces of work prior to plan completion	Chairman	Ongoing
Budget insufficient for timely plan delivery	Work with TTPPC to recommend budget, and with WCRC to raise rate to achieve deliverables	Project Manager TTPP Committee CE WCRC	Annually Jan/Feb
Project extended due to reduced 2020/21 budget	Ensure 2021/22 research budget is sufficient to complete all remaining research required for robust Plan	Project Manager TTPP Committee CE WCRC	30 June 2022
Changes to national legislation	Planning team keep selves, Committee and Community updated on changes to legislation and the implications for TTPP	Project Manager Planning Team	Ongoing
Staff safety at public consultation	Committee members to proactively address & redirect aggressive behavior towards staff	TTPP Committee	Ongoing
National emergencies such as Covid-19 lock down	Staff and Committee ensure personal safety and continue to work remotely as able	Project Manager TTPP Committee	Ongoing

Item	Action/Resolution	Responsible	Completion Date
Committee delay or reduce scope of required research	Committee ensure timely research is enabled	TTPP Committee	Ongoing
Time and Cost of Appeals Process	Realistic budget set for best case costs. Awareness that contentious issues such as SNAs, Natural hazards and landscape provisions could see an extended appeals process, increasing costs to reach operative plan status	TTPP Committee TTPP Steering Group Project Manager	Ongoing
Fast track budget insufficient to meet new timing for Proposed Plan notification by 31 July 2022	Project Manager to report monthly on whether anticipated expenditure for the remainder of the period is on track to be met by the allocated budget	Project Manager TTPP Committee	31 July 2022
Increased fast track funding not provided by WCRC	Make a timely decision to slow down delivery to meet budgetary constraints	TTPP Committee	30 Sept 2021
Insufficient capacity for council and iwi technical staff to input fully into Draft and Proposed Plans	Planning Team provide outline of needs for technical input. TTPP Steering Group determine best delivery of technical services	Project Manager TTPP Steering Group	30 June 2022
Unable to meet 31 July 2022 notification date	Keep Committee informed of delays and investigate mitigation options	Project Manager TTPP Steering Group	31 July 2022
Risk of confidential, unverified or draft information being made public, negatively impacting development of TTPP (financially and/or time line) along with the outcomes for the West Coast	Ensure Committee members adhere to Standing Orders	Committee Chair	Ongoing

Status

Overall	Fast track budget for 2021/22 is with WCRC.
Schedule	Work programme revised and achieving on schedule, but capacity of researchers to deliver to earlier timeframe uncertain
Resources	Staff capacity stretched under fast track
Scope	Deliver efficient, effective and consistent Te Tai o Poutini Plan

Schedule

Stage	Target Completion	Revised Fast Track Completion	Comments
Complete project initiation documentation	30-Apr-19	19-July-2019	TTPPC approved
Identify and contact key stakeholders	03-May-19	Ongoing	Connection made with all key stakeholders and started a second round of contact with other interested parties
Contract senior planning consultant	01-Aug-19	29-July-2019	Contract in place 29/7/19 -30/6/20
Recruit permanent senior planner	30-Sep-19	7-Sep-2019	Started at WCRC on 14 October 2019
Set up Te Tai o Poutini Plan website and communications package	30-Sep-19	30 Nov- 2019	Development complete. Available at www.ttp.westcoast.govt.nz
Set planning milestones	31-Oct-19	30 Aug-2019	Presented at August TTPPC meeting
Hold key stakeholder workshop for Settlements section	28-Feb-20	23 Oct and 21 Nov 2019	Greymouth and Hokitika, then Westport

Stage	Target Completion	Revised Fast Track Completion	Comments
Hold Community information meetings	31-Mar-20	16-27 Mar 20 and 24-22 Sep 2020	Roadshow in March 2020 and opportunities to coincide with council-community meetings and local events Outcome of Roadshow to be presented to May TTPPC meeting
Hold key stakeholder workshops for Infrastructure section	30-Apr-20	31-Jul-20	Greymouth and Hokitika, then Westport. Delayed due to Covid-19 Lockdown
Draft Provisions (Issues, Objectives, Policy and Rules) for Urban Areas developed	31-May-20	31-May-20	For presentation to May TTPPC meeting
Workshop discussion with environmental interests re biodiversity provisions	30-Jul-20	31-Aug-20	Delayed due to Covid-19 Lockdown
Draft Provisions (Issues, Objectives, Policy and Rules) for Rural Zones and Settlement Zones developed	31 – Aug-20	31-Aug-20	For presentation to August TTPPC meeting
Hold key stakeholder workshops for mining and extractive industries	31-Aug-20	31-Jul-20	Due to work programme changes during Covid-19 lockdown
Historic Heritage Workshops	31-Aug-20	31-Aug-20	
Conclude TTPPC Roadshow	30 –Sep-20	30-Sep-20	Postponed due to COVID-19
Potential Committee Field Trip	30 –Sep-20	April – June 21	To look at specific zoning matters. Workshops and/or fieldtrips with individual District Councils
Workshop with agricultural interests re biodiversity provisions	30-Oct-20	28 October 2020	
Commence contact with landowners re SNA assessment, landowner meetings - postponed	30-Oct-20	31 July 2021	This will be to discuss potential SNAs and seek permission to do field assessments.
Commence field work for SNA assessments -postponed	30- Nov-20	1 July 2021	Begin with drive-by evaluation prior to property assessment at owner invitation
Zoning changes proposed	31-Dec-21	30 September 2021	Specific zone change proposals will come to the Committee through 2021
Targeted stakeholder consultation on draft provisions of Te Tai o Poutini Plan	30-May-22	30 September 2021	Targeted consultation with stakeholders on draft provisions with the aim of addressing concerns at this more informal stage
Iwi review of draft Te Tai o Poutini Plan	30-July-22	20 November 2021	This is in addition to hui and consultation throughout the development process and is a mandatory step
Full “ Draft ” Te Tai o Poutini Plan to Committee	30-Sep-22	16 December 2021	A draft Plan will not have legal status, but will show all the cumulative decisions of the Committee
Targeted Consultation on “ Draft ” Te Tai o Poutini Plan	Oct-22	31 March 2022	Targeted consultation – industry and interest groups, specifically affected landowners. Draft Plan also available for wider community feedback. Note that while we will be seeking feedback on the “Draft” Plan, possible SNA field assessments and possibly some natural hazards work will still be being undertaken and would feed into the final “Proposed Plan”, not this pre-notification draft.
Amendment of “ Draft ” Plan to “Proposed Plan” provisions	30-Nov-22	30 June 2022	Feedback to Committee on results of consultation, outcomes of SNA field assessments, any legal opinions on contentious provisions and decisions on final provisions

Stage	Target Completion	Revised Fast Track Completion	Comments
Notify Te Tai o Poutini Plan	30-Aug-23	31 July 2022	This will be the “ Proposed ” Plan
Submissions on Te Tai o Poutini Plan	30-Oct-23	30 September 2022	40 working days for submissions is the legal requirement
Local Body Elections	30-May-22	October 2022	
Further Submissions	30-Feb-24	30 November 2022	Submissions must be summarised and published and then there is a 20 working day period for further submissions [this part of the process may no longer be required depending on RMA reform progress]
Hearings Te Tai o Poutini Plan	31-August-24	28 April 2023	Indicative time only
Decisions Te Tai o Poutini Plan	30-Sep-24	31 October 2023	Indicative time only
Appeal Period	30-June-25	30 November 2023	Indicative time only. Any parts of the Plan not appealed are completely operative from the end of the Appeal Period.
Ongoing Decision Making for TTPP	November 2025 onward	November 2023 onward	TTPPC is a permanent Committee. Once they have adopted the Plan their ongoing role includes monitoring implementation and the need for any amendments; and undertaking amendments and reviews, or ensuring these are undertaken, as required.
Appeals and Mediation Te Tai o Poutini Plan	Oct-25	April 2024	Indicative time only.
Environment or High Court [Fast Track Process]	2026	2024-2025	Indicative time only.



Te Tai o Poutini PLAN

A combined district plan for the West Coast