

Te Tai o Poutini Plan – Section 32 Evaluation

Report Five

Natural Environment Values – Ngā Uara Taiao Aotūroa

Ecosystems and Biodiversity -Ngā Pūnaha Rauropi me te
Kanorau Koiora

Natural Features and Landscapes - Ngā Āhua me ngā
Horanuku Aotūroa

Coastal Environment – Te Taiao o te Takutai

Natural Character and Water



Te Tai o Poutini
PLAN

A combined district plan for the West Coast

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Executive Summary

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

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

This s32 is made up of four parts

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

These chapters apply District-wide.

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

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

Ecosystems and Indigenous Biodiversity

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

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

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

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

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

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

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

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

Landscapes and Natural Features

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

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

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

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

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

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

The Coastal Environment

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

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

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

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

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

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

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

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

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

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

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

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

Natural Character and Waterbodies

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

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

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

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

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

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

1.0 Overview and Purpose

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

1.1 Introduction to the Resource Management Issue

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

The RMA requires the TTPP Committee to:

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

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

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

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

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

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

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

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

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

1.2 Regulatory and Policy Direction

1.2.1 Part 2 of the RMA

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

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

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

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

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

1.2.2 National Instruments

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

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

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

1.2.3 National Planning Standards and/or Guidance Documents

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

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

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

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

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

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

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

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

1.2.4 Regional Policy and Plans

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

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

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

1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Objective 9.1

Within the coastal environment:

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

Policy 9.1 Policy 9.1

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

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

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

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

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

1.2.5 Poutini Ngāi Tahu Iwi Management Plans

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

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

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

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

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

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

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

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

1.2.7 Other Legislation

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

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

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

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

2.0 Resource Management Issue and Analysis

2.1 Background

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

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

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

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

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

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

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

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

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

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

2.2.1 Research

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

Natural Environment Values Generally

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

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

Ecosystems and Biodiversity Generally

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

Identification of Significant Natural Areas

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

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

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

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

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

Development of TTPP Provisions

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

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

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

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

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

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

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

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

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

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

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

SNAs in Grey District

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

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

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

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

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

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

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

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

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

2.2.2 Consultation and Engagement

Te Tai o Poutini Plan Consultation

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

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

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

Specific meetings and workshops held were:

Plan Development Phase

February 2020, 8 April 2021 Forest and Bird

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

28 July 2020 – multi-stakeholder infrastructure provider workshop

27 August 2020 – multi-stakeholder environmental interests

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

Draft Plan Consultation Phase

- 18 February 2022 – West Coast Conservation Board
- 21 February 2022 - multi – stakeholder agricultural and forestry local interest stakeholders
- 22 February 2022 – multi-stakeholder infrastructure provider workshop
- 23 February 2022 - – multi-stakeholder environmental interests
- 24 February 2022 – with a range of Department of Conservation Staff
- 24 February 2022 – multi-stakeholder developer and professional services interests

Grey District SNA Project Consultation

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

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

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

RMA Schedule 1 Consultation

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

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

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

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

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

2.2.3 Poutini Ngāi Tahu Advice

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

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

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

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

2.3 Operative District Plan Provisions

2.3.1 Buller District Plan

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

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

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

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

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

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

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

These are outlined in the table below:

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

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

Buller Plan Change 141

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

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

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

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

Representativeness

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

Rarity/ Distinctiveness

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

Diversity and Patterns

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

Ecological Context

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

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

- a. Actual or potential impacts on the significance of the affected area and on ecological values (including habitat, vegetation and fauna), cultural, intrinsic and/or amenity values;*
- b. the sustainability of the habitat or area of vegetation proposed to be modified or damaged or any adjoining habitat or area of vegetation to an area proposed to be affected*
- c. The representativeness of the affected vegetation or habitat and impact on its inter-relationship or continuity with other habitats or areas of indigenous vegetation*
- d. Whether the affected area retains the presence of rare or distinctive, threatened or at risk, indigenous flora or fauna species*
- e. the extent to which the proposal is the minimum necessary to protect significant indigenous vegetation and significant habitats of indigenous fauna*
- f. Where adverse effects cannot be adequately avoided or mitigated, ensuring any residual effects that are more than minor, are offset in a similar ecological context (in accordance with best practice principles) to achieve no "net loss" of indigenous biodiversity*

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

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

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

2.3.2 Grey District Plan

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

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

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

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

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

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

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

2.3.3 Westland District Plan

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

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

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

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

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

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

These are outlined in the table below:

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

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

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

2.3.4 Analysis of combined operative district plan approaches

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

Effectiveness of Operative Plan Provisions

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

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

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

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

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

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

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

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

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

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

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

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

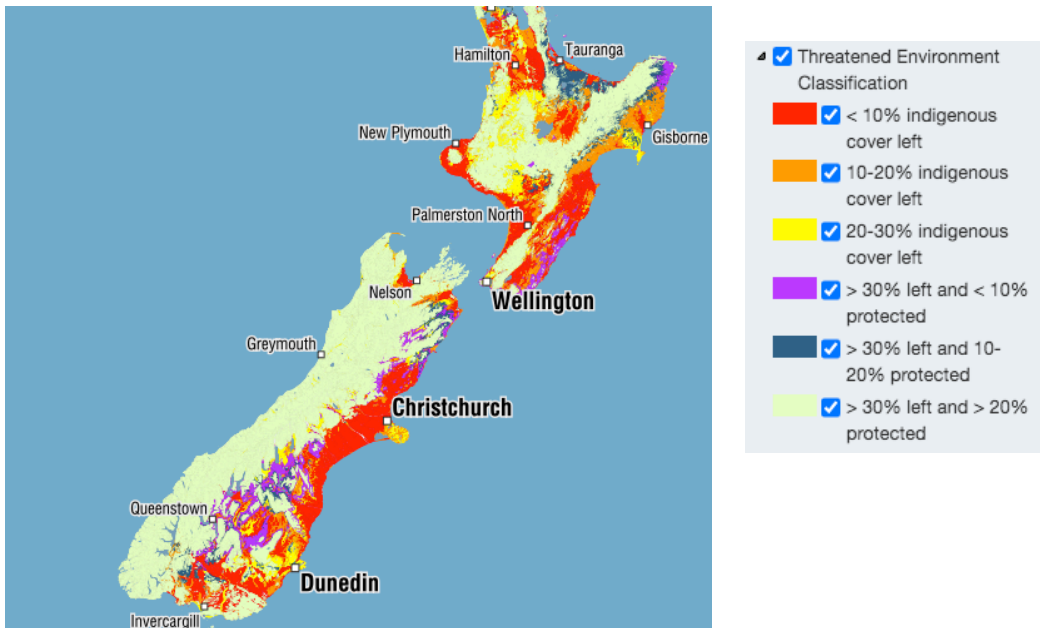
- New Plymouth District Plan (2nd generation, proposed)
- Selwyn District Plan (2nd generation, proposed)
- Hurunui District Plan (2nd generation, operative)
- Far North District Plan (2nd generation, draft)
- Timaru District Plan (2nd generation, draft)
- Opotiki District Plan (2nd generation, operative)

Key points which this review identifies are that:

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

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

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



2.5 Summary of Issues Analysis

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

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

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

3.0 Scale and Significance Evaluation

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

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

3.1 Explanation Summary

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

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

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

4.0 Evaluation

4.1 Evaluation of Objectives

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

Existing Objectives	Appropriateness to Achieve the Purpose of the Act
<p>Buller District Plan Objective: To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to recognise their importance to the character and quality of the natural and physical environment and to the wellbeing of the people and communities in Buller.</p>	<p>These objectives could be relatively easily amalgamated into one set of objectives for all three districts. They are generally consistent with the views of TTPP Committee and statutory and policy context.</p>
<p>Grey District Plan Objective: The protection and where possible enhancement of areas of significant indigenous vegetation and habitats of indigenous fauna.</p>	<p>However, they omit completely the recognition of the relationship between Poutini Ngāi Tahu with their taonga and the need to address this within the framework and the clear strategic direction set by the TTPP Committee around this matter.</p>
<p>Westland District Plan Objectives:</p> <p>Objective 3.7.1 To recognise and provide for the unique values and importance of natural environments and ecosystems in Westland.</p> <p>Objective 3.7.2 To recognise that the people of the district can provide for their needs within the context of sustainable management.</p> <p>Objective 3.7.3 To protect the integrity, functioning, and health of indigenous ecosystems and maintain the current diversity of indigenous flora and fauna.</p>	<p>The current objectives are not considered the most appropriate in addressing the Ecosystems and Biodiversity issues identified and in achieving the purpose of the RMA. New objectives are proposed as detailed below.</p>
<p>Proposed TTPP Objectives:</p> <p>Ecosystems and Biodiversity Chapter</p> <p>ECO – O1: To identify and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna on the West Coast/Te Tai o Poutini.</p> <p>ECO – O2: To provide for appropriate subdivision, use and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna where the values of the area can be maintained or enhanced.</p> <p>ECO – O3: To provide for tino rangatiratanga in relation to management of areas of significant indigenous vegetation and significant habitats of indigenous fauna where these are located</p>	<p>The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management means managing the use, development and protection of these resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.</p> <p>Under Section 6 of the RMA, as a matter of national importance TTPP must recognise and provide for (a) the preservation of the natural character of the coastal environment, wetlands, lakes, rivers and their margins and the protection of them from inappropriate subdivision, use and development. Indigenous vegetation and habitats are an element of natural character. Also under Section 6 (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and (e) the relationship of Māori and their culture and traditions with their ancestral lands and</p>

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

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

4.1.1 Description of the Proposed Provisions

Policies

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

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

Rules

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

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

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

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

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

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

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

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

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

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

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

Indigenous vegetation clearance in the coastal environment

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

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

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

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

Subdivision Rules in Relation to Indigenous Biodiversity

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

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

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

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

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

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

Key Definitions

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

Significant Indigenous Biodiversity means

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

4.2.2 Evaluation of Options around Ecosystems and Indigenous Biodiversity

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

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

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

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

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

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

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

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

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

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

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

Summary:

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

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

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

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

5.0 Summary

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

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

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

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

6.0 Overview and Purpose

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

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

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

6.1 Introduction to the Resource Management Issue

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

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

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

6.2 Regulatory and Policy Direction

6.2.1 Part 2 of the RMA

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

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

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

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

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

(a) Kaitiakitanga

(aa) The ethic of stewardship

(c) The maintenance and enhancement of amenity values

(d) Intrinsic values of ecosystems

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

(g) Any finite characteristics of natural and physical resources

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

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

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

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

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

6.2.2 National Instruments

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

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

6.2.3 National Planning Standards

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

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

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

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

6.2.4 Regional Policy and Plans

West Coast Regional Policy Statement

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

The Objectives are:

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

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

The Policies are:

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

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

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

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

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

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

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

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

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

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

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

Policy 6.6 and 6.7 are relevant to ONFLs and states:

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

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

6.7

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

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

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

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

Objective 9.1

Within the coastal environment:

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

Policy 9.1

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

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

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

West Coast Regional Coastal Environment Plan

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

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

6.2.5 Poutini Ngāi Tahu Iwi Management Plans

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

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

6.2.6 Statutory Acknowledgements

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

The purposes of statutory acknowledgements are:

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

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

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

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

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

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

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

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

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

6.2.8 Other Legislation

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

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

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

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

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

7.0 Resource Management Issue and Analysis

7.1 Background

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

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

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

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

7.2.1 Research

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.2.2 Consultation and Engagement

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

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

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

Specific meetings and workshops held were:

Plan Development Phase

February 2020, 8 April 2021 Forest and Bird

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

28 July 2020 – multi-stakeholder infrastructure provider workshop

27 August 2020 – multi-stakeholder environmental interests

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

Draft Plan Consultation Phase

18 February 2022 – West Coast Conservation Board

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

22 February 2022 – multi-stakeholder infrastructure provider workshop

23 February 2022 – multi-stakeholder environmental interests

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

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

RMA Schedule 1 Consultation

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

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

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

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

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

7.2.3 Poutini Ngāi Tahu Advice

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

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

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

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

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

7.3 Operative District Plan Provisions

7.3.1 Buller District Plan

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

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

There are 2 policies that sit under Objective 4.9.3.1:

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

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

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

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

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

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

Buller Plan Change 141

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

Objective 6: Protection of Outstanding Natural Features and Landscapes

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

Policy 10: Criteria for Determining Outstanding Natural Features and Landscapes

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

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

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

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

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

7.3.2 Grey District Plan

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

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

The policies are:

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

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

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

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

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

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

7.3.3 Westland District Plan

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

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

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

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

Alongside these objectives there are five relevant policies.

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

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

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

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

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

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

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

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

7.3.4 Analysis of combined operative district plan approaches

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

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

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

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

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

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

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

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

Key points which this review identified are that:

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

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

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

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

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

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

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

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

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

7.5 Summary of Issues Analysis

The analysis of the issues has identified that:

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

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

8.0 Scale and Significance Evaluation

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

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

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

8.1 Explanation Summary

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

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

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

9.0 Evaluation

9.1 Evaluation of Objectives

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

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

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

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

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

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

9.2.1 Description of the Proposed Provisions

Identified Outstanding Natural Landscapes and Outstanding Natural Features

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

They were assessed using the following process:

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

	whole' – to determine if each was sufficiently conspicuous, eminent and 'outstanding' to qualify as a draft ONLs
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6.	<h3>Review & Refinement</h3> <p>Review of the draft ONLs in response to feedback from the Regional and District Councils leading to the refinement & deletion of some draft ONLs</p>
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The criteria employed to assess each candidate ONL were as set out below, using evaluation of the *Malcolm, McKenzie & Hope River Ranges ONL* as an example (Unit 1A):

Malcolm, McKenzie, & Hope Blue River Ranges
Unit No: 1A (forms the coastal area of ONL 1)

Bio Physical Landscape Characteristics						
Evaluation Factors:	Key Values: <small>(Indication of key Bio-Physical values)</small>					
Landforms (Geomorphology / Geology / Terrain)	█					
Vegetation Type (s)	█					
Sea / Water Bodies	█					
Natural Processes	█					
Land Uses / Activities / Structure	█					
Rating of Biophysical Values:	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%; background-color: #808080;"></td> </tr> </table>					

High Low

Perceptual / Aesthetic Values						
Evaluation Factors:	Key Values: <small>(Indication of key Perceptual values)</small>					
2D Patterns (Composition) & 3D Spatial Structure	█					
Vividness / Expressiveness / Legibility	█					
Dynamic / Transient Values	█					
Landmarks / Key Views	█					
Coherence / Unity	█					
Rating of Perceptual / Aesthetics Values:	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> <td style="width: 20%; background-color: #808080;"></td> </tr> </table>					

Low High

Associative Values	
Evaluation Factors:	Key Values:

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

ONFL THRESHOLDS: (Overall Evaluation of Landscape Values in the context of the West Coast Region)	
	OUTSTANDING

The assessment criteria set out above were aligned with pre-2012 Environment Court decisions, the NZILA Practice Note 10.1 and Lincoln University’s research into public perception of Westland and other NZ landscapes. In addition, each Evaluation Sheet included a brief summary of the Key Attributes and Characteristics that contributed to the ONL status of individual landscapes. The following example is again drawn from the *Malcolm, McKenzie & Hope River Ranges ONL* example:

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

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

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

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

Policies

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

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

Rules

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

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

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

Controlled Activities are:

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

Restricted Discretionary Activities are:

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

Discretionary Activities are:

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

Outstanding Natural Landscapes and Features in the Coastal Environment

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

9.2.2 Evaluation of Options around Natural Features and Landscapes

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

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

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

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

Summary:

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

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

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

10.0 Summary

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

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

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

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

11.0 Overview and Purpose

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

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

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

11.1 Introduction to the Resource Management Issue

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

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



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

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

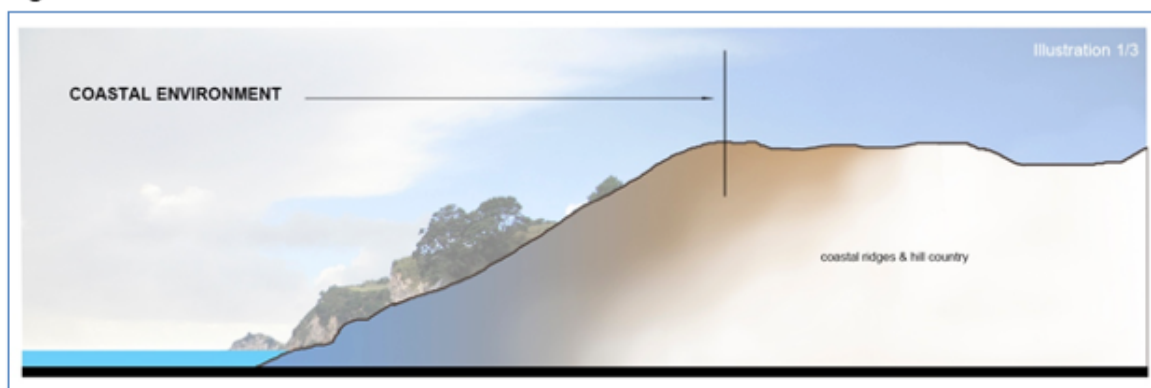


Figure 2 Extent of the Coastal Environment in Coastal Ranges

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

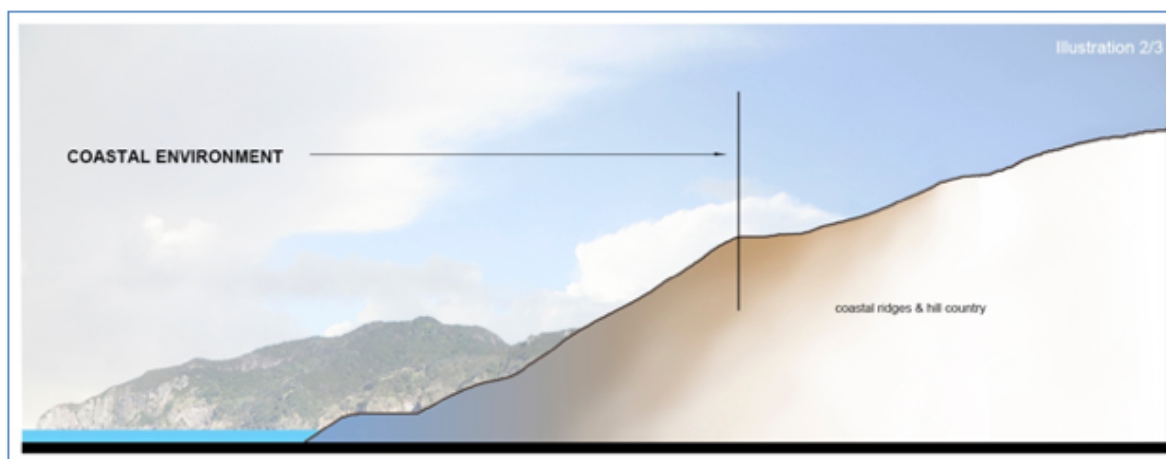


Figure 3 Extent of the Coastal Environment in Areas Where it is Close to the CMA

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

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

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



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

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

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

11.2 Regulatory and Policy Direction

11.2.1 Part 2 of the RMA

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

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

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

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

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

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

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

11.2.2 National Instruments

New Zealand Coastal Policy Statement

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

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

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

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

Other policies:

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

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

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

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

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

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

National Environment Standard for Plantation Forestry 2017 (NESPF)

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

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

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

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

11.2.3 National Planning Standards and/or Guidance Documents

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

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

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

11.2.4 Regional Policy and Plans

West Coast Regional Policy Statement

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

The Objectives are:

Objective 9.1. Within the coastal environment:

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

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

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

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

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

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

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

Policy 9.2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

West Coast Regional Coastal Environment Plan

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

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

11.2.5 Poutini Ngāi Tahu Iwi Management Plans

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

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

11.2.6 Statutory Acknowledgements

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

The purposes of statutory acknowledgements are:

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

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

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

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

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

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

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

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

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

11.2.8 Other Legislation

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

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

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

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

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

12.0 Resource Management Issue and Analysis

12.1 Background

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

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

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

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

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

12.2.1 Research

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12.2.2 Consultation and Engagement

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

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

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

Specific meetings and workshops held were:

Plan Development Phase

February 2020, 8 April 2021 Forest and Bird

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

28 July 2020 – multi-stakeholder infrastructure provider workshop

27 August 2020 – multi-stakeholder environmental interests

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

Draft Plan Consultation Phase

18 February 2022 – West Coast Conservation Board

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

22 February 2022 – multi-stakeholder infrastructure provider workshop

23 February 2022 - – multi-stakeholder environmental interests

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

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

RMA Schedule 1 Consultation

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

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

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

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

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

12.2.3 Poutini Ngāi Tahu Advice

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

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

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

12.3 Operative District Plan Provisions

12.3.1 Buller District Plan

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

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

There are 7 policies that sit under Objective 4.7.5.1:

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

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

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

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

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

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

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

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

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

Buller Plan Change 140

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

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

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

Policy 1: To impose performance standards on development and land use in the Paparoa Character Area, that provides the community with a level of certainty and maintains natural character and amenity values.

Policy 2: To manage the scale, location and design of subdivision, use and development in the coastal environment and determine its appropriateness based on the following:

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

Policy 3 [Relates to Public Access]

Policy 4 [Relates to Esplanade Reserves and Strips]

12.3.2 Grey District Plan

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

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

The policies are:

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

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

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

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

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

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

12.3.3 Westland District Plan

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

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

Alongside this objective there are five policies:

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

Coastal processes and natural landforms

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

Ecosystem functioning and health

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

Indigenous vegetation and habitat

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

Open space and amenity values

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

Protected Status

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

Buffering

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

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

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

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

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

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

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

12.3.4 Analysis of combined operative district plan approaches

The three operative plan approaches do not specifically identify areas of outstanding or high natural character. Instead they take a generic approach of setting back buildings back from the coast. While natural character is a part of the assessment criteria, in practice, this setback has largely been used as a natural hazard mitigation tool. This has been largely effective in terms of restricting development within the setback areas, but as evidenced by the work of Brown Ltd, there has been degradation of the natural character of the coastal environment in some areas.

In 2013 the three District Councils commissioned Brown Ltd to undertake a natural character assessment of the West Coast, and to identify a coastal environment boundary that reflected the requirements of the NZCPS. Since the 2013 assessment there has been differences in the extent and quality of areas of outstanding and high natural character as identified in the 2022 Brown Ltd report.

While some of these differences can be attributed to issues with mapping (and the much lower quality aerial photography available for the 2013 study) there have also been areas of vegetation clearance, earthworks and mining activity which have degraded the values of previously identified OCNC and HCNC areas.

In conclusion it can be stated that the Operative Plans have only been partially effective at managing the effects of activities on the natural character of the coastal environment – and that the lack of identification and mapping of areas of OCNC and HCNC with specific provisions is a significant contributor to this. The Operative Plans also do not give effect to the requirement of the WCRPS to identify areas of outstanding and high natural character across the West Coast/Te Tai o Poutini.

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

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

- Porirua District Plan (2nd generation, proposed)
- New Plymouth District Plan (2nd generation, proposed)
- Selwyn District Plan (2nd generation, proposed)
- Far North District Plan (2nd generation, draft)
- Timaru District Plan (2nd generation, draft)
- Nelson Resource Management Plan (2nd generation, draft)

All the Council plans reviewed had a high degree of restriction of activities in the Coastal Environment. Most of the plans provide for a low level of change and small-scale activities as permitted activities. This is generally restricted to small scale buildings.

Most differentiate between “general” coastal areas and those with high or outstanding natural character – in these areas restrictions are even greater.

In all plans reviewed, the most stringent activity status is non-complying, with this usually applied to large scale activities with high potential for visual change, including forestry, mining/quarrying, and large buildings or activities in areas with high and outstanding natural character.

The use of a non-complying status suggests that applications should be subject to a stringent assessment of adverse effects and consents should only be granted if the activity will not result in more than minor adverse effects on areas with outstanding natural character or the activity/ies is/are not contrary to the relevant objectives and policies.

Some of the plans reviewed are complex and this makes interpretation and application potentially difficult, especially for landowners who are unlikely to be familiar with district plan terminology and layout.

12.5 Summary of Issues Analysis

The analysis of the issues has identified that:

- The operative district plans not give effect to the NZCPS or the WCRPS as they do not identify the extent of the coastal environment or areas of outstanding and high natural character. As such, the coastal environment may not be protected from inappropriate activities and land uses as required by the WCRPS and the objectives and policies of the NZCPS.
- While there are objectives and policies within the operative Plans that apply to the coastal environment, the policy framework has not ensured the preservation of the natural character of the coastal environment and protection from inappropriate subdivision, use and development as required by Policy 13 of the NZCPS.
- The use of a coastal setback which makes buildings seaward of 50/100/150m (depending on the Plan) require a resource consent has been variably applied. In all three districts, consents have been granted for a significant number of buildings within this setback, and the assessment has focussed on natural hazards rather than natural character aspects. This has led to a degradation of natural character in some areas that were formerly high or outstanding natural character.

In summary, the approach to the coastal environment, particularly as regards natural character, is an area where some change is needed to ensure the outcomes expected by the NZCPS and WCRPS.

13.0 Scale and Significance Evaluation

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

	Minor	Low	Medium	High
Degree of change from the Operative Plans			x	

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

13.1 Explanation Summary

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

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

However, it is acknowledged that significant land within these areas is privately owned or leased, and that activities such as mining and residential development occur within the coastal environment. There are also substantial pieces of critical infrastructure located within the coastal environment. For example the main Coast Road through the Paparoa Range and extensive roading networks within South Westland. There are also substantial telecommunications and electricity networks, including renewable electricity generation within the coastal environments, as well as three of the four main settlements in the West Coast/Te Tai o Poutini.

With regard to OCNCs, the identified areas are largely vegetated, but within the HCNC there are some areas which are actively farmed. Activities such as mineral extraction, infrastructure upgrading and built development within these areas can adversely impact on the natural character and coastal values and generally need to be limited in nature and extent to protect the identified values, meaning that resource consents are required for a broader range of activities than in other locations, with subsequent costs. In addition, consenting information requirements can impose additional costs on applicants as specialist landscape assessments are often required. However, the cost to the environment of not appropriately managing activities that impact on the coastal environment and coastal natural character has the potential to be very high and this is recognised as a matter of national importance under the Resource Management Act.

14.0 Evaluation

14.1 Evaluation of Objectives

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

Existing Objectives	Appropriateness to Achieve the Purpose of the Act
<p>Buller District Plan Objective (Plan Change 140):</p> <p>(Plan Change 140):</p> <p><i>To enable appropriate subdivision, use and development where adverse effects on the natural character of the district's coastal environments can be avoided or mitigated.</i></p>	<p>Retaining separate objectives for the three districts is not considered appropriate.</p> <p>These objectives have been amalgamated into one objective for all three districts that is consistent with the views of TTPP Committee and statutory and policy context.</p> <p>The Buller Plan Change 140 Objective is not consistent with the NZCPS or WCRPS as it focusses on enabling development in the Coastal; Environment. The Grey and Westland District Plan objectives both echo the wording in the RMA but do not address the breadth of matters and direction from the NZCPS and WCRPS.</p> <p>New objectives are proposed as detailed below.</p>
<p>Grey District Plan Objective:</p> <p><i>7.3.1 To preserve the natural character of the coastal environment and the protection of it from inappropriate subdivision, use or development.</i></p>	
<p>Westland District Plan Objective</p> <p><i>3.12.1 To preserve the natural character and unique qualities of the coastal environment by taking into account the effects of subdivision, use or development on these values.</i></p>	
<p>Proposed TTPP Objectives:</p> <p>Coastal Environment Chapter</p> <p>CE – O1 To preserve the natural character, landscapes and biodiversity of the coastal environment while enabling people and communities to provide for their social, economic and cultural wellbeing in a manner appropriate for the coastal environment.</p> <p>CE – O2 The relationship of Poutini Ngāi Tahu with their cultural values, traditions, interests and ancestral lands in the coastal environment is recognised and provided for and Poutini Ngāi Tahu are able to exercise tino rangatiratanga and kaitiakitanga.</p>	<p>The objectives are considered the most appropriate way to achieve the purpose of the Act because they:</p> <ul style="list-style-type: none"> • will give effect to part 5 of the RMA, which requires the Council to provide for people's economic and social wellbeing. • will address the requirement under s6(c) of the RMA to preserve the natural character of the coastal environment. • will address the requirement under s6e of the RMA to recognise and provide for the relationship of Māori with their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; • will give effect to policy in the WCRPS that seeks to preserve the natural character of the coastal environment, • will reflect best practice by using directive language and reflecting the approach taken in other district plans. • will not result in unjustifiably high costs on the community or landowners given the direction to preserve natural character in the RMA.

<p>CE – O3 To provide for activities which have a functional need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.</p>	<ul style="list-style-type: none"> • specifically provides for activities that have a functional need to locate in the coastal environment • will require the Council, community and landowners to work together. • provides an acceptable level of uncertainty and risk in comparison to the protection of the coastal environment to date.
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Evaluation of Alternative Option	Appropriateness to Achieve the Purpose of the Act
<p>Do not define expectations for the coastal environment in TTPP. Rely on WCRPS provisions to set direction.</p>	<p>This option would hinder decision makers when assessing resource consent applications as they would have little guidance on what outcomes are expected. It would also fail to properly recognise and provide for the protection of the coastal environment from inappropriate subdivision, use and development. It would also not recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands and taonga.</p>
<p>Summary</p> <p>The proposed objective will achieve the purpose of the RMA as it is a clear statement of intent that the coastal environment will be identified and protected. It provides certainty as to the outcomes that are appropriate under the TTPP provisions and are aligned with best practice throughout New Zealand.</p>	

14.2 Evaluation of Policies and Rules in relation to the Coastal Environment

14.2.1 Description of the Proposed Provisions

Identification of Areas of Outstanding Natural Character and High Natural Character

Areas of OCNC and HCNC were identified based on a visual assessment undertaken by Brown Ltd in 2013 and updated in 2022. They were assessed using the following process:

Stage:	Process:
1.	<p>Field Work – Mapping of ‘Sufficiently Natural’ Areas:</p> <p>Use of field work and aerial imagery to map an indicative coastal environment & river / lake / wetland margins</p>
2.	<p>Draft Mapping of Natural Character Areas:</p> <p>Use of field work & aerial imagery to subdivide the coastline & freshwater catchments in Natural Character Areas based on their:</p> <ul style="list-style-type: none"> • Water types (sea; lakes / rivers / wetlands) • Landforms • Vegetation Cover • Land Uses & Activities
3.	<p>Evaluation of Each Natural Character Area:</p> <p>Detailed evaluation of each candidate landscape ‘on the ground’ employing the criteria set out overleaf</p>
4.	<p>Evaluation of Each Natural Character Area:</p> <p>Comparative evaluation of each Natural Character Area to evaluate the thresholds for High & Outstanding Natural Character Areas</p>
5.	<p>Overall Evaluation of Each Natural Character Area:</p> <p>Re-assessment of each NC Area to identify Areas of High & Outstanding Natural Character</p>
6.	<p>Review & Refinement</p> <p>Review of the draft ONC & HNC Areas in response to feedback from the Regional and District Councils – leading to the ‘down grading’ of some draft ONC Areas</p>

The criteria employed to assess each candidate area of HCNC or OCNC were as set out below, using the evaluation of Arawhata River Mouth as an example.

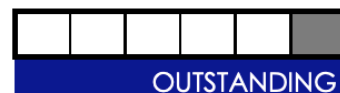
Arawhata River Mouth

Unit No: C7

Natural Characteristics	
Evaluation Factors:	Key Values: (Indication of key Bio-Physical values)
Landforms (Geomorphology / Geology)	
Vegetation Type, Cover & Patterns	
Sea / Estuarine Water Bodies	
Land Uses / Activities / Structure	
Habitat Value	
Natural Processes	
Rating of Bio Physical Values:	 Low High

Perceptual Values	
Evaluation Factors:	Key Values: (Indication of key Perceptual values)
Wildness / Wilderness / Remoteness	
Experiential Attributes	
Context / Setting	
Transient / Dynamic Attributes	
Night-time Values	
Rating of Perceptual Values:	 Low High

Overall Natural Character Evaluation
(Biophysical and Perceptual Values)



In terms of the assessment, it was determined that:

- Areas of **Outstanding Natural Character** should equate with being 'close to wholly natural' – although it is not realistic to expect that any part of the coastal environment will be pristine;
- Areas of **High Natural Character** should display a predominance of natural features, elements and patterns [in terms of their biophysical structure and character, perceived naturalness and related associative values] – although they are also likely to contain areas that are clearly subject to human modification, e.g. farming, roading or other activities and structures.
- Areas of **'Other' Levels of Natural Character** are likely to be much more variable – from those containing sizeable remnant features or elements (e.g. headlands, stands of coastal vegetation) to those – like port areas – in which the only natural element is the sea.

Each area of OCNC is described in Schedule Six of the Plan, and identified as an area of OCNC on the planning maps.

Each area of HCNC is described in Schedule Seven of the Plan, and identified as an area of HCNC on the planning maps.

Policies

There are eight policies for the coastal environment. These policies address the following matters:

1. Identification of the coastal environment

2. Areas of the coastal environment that must be protected
3. Circumstances where subdivision, use and development is appropriate within areas of HCNC/OCNC and ONL/ONF within the coastal environment
4. Circumstances where primary production is appropriate within areas of HCNC/OCNC and ONL/ONF within the coastal environment
5. Circumstances where buildings and structures are appropriate in the wider coastal environment
6. Recognising and providing for existing towns, settlements and developments within the coastal environment
7. Providing for natural hazard mitigation works and outlining the circumstances where a reduction of public access is acceptable
8. Specific provision for the National Grid within the coastal environment.

Rules

The rules for the coastal environment focus primarily on areas of HCNC/OCNC and ONL/ONF within the coastal environment. They recognise that there are large areas of the coastal environment that are highly modified, as most development on the West Coast/Te Tai o Poutini is on the coast.

For ease of drafting areas of OCNC, ONF and ONL within the coastal environment are combined into one Outstanding Coastal Environment Area for management within the rule framework.

Permitted Activities include:

- Maintenance, repair and operation of lawfully established structures, buildings and other forms of development
- Conservation activities
- Māori Purpose Activities
- Buildings and Structures outside of areas of OCNC/HCNC, ONF and ONL

Within the HCNC Overlay further Permitted Activities are:

- Buildings and structures for network utilities or renewable electricity generation, Māori Purpose Activities in the Māori Purpose Zone, Parks Facilities within the Open Space and Recreation Zones; new buildings in other zones of no more than 100m² ground floor area and additions of no more than 50m² with a maximum height of 7m
- Maintenance, repair and reconstruction of existing natural hazard mitigation structures by a statutory authority
- Earthworks for cycle/walkways, roads, farm tracks, fences, network utility infrastructure and renewable electricity generation to a max 250m²/ha and 250m³/ha of fill, excavation or removal

Within the Outstanding Coastal Environment Area further Permitted Activities are:

- Additions and alterations to buildings of up to 50m² and 5m height
- Maintenance, repair and reconstruction of natural hazard mitigation structures by a statutory authority
- New fences, stock water reticulation, structures for operation and upgrade of network utilities and renewable electricity generation, structures for environmental and extreme weather event monitoring, buildings and structures for agricultural, pastoral or horticultural activities – to a maximum 100m² and 5m height
- Earthworks for maintenance/repair/upgrade of walking tracks, farm tracks, roads, fences, network utilities or renewable electricity generation

Controlled Activities are:

- Natural hazard mitigation activities in the HCNC Overlay not provided for as Permitted

Restricted Discretionary Activities are:

- Māori Purpose Activities not meeting Permitted Activity Standards
- Buildings and Structures not meeting Permitted Activity Standards that are outside the HCNC Overlay and Outstanding Coastal Environment Area

- Buildings, Structures and Earthworks not meeting Permitted Activity Standards that are within the HCNC Overlay
- Additions to existing buildings and structures in the Outstanding Coastal Environment not meeting Permitted Activity Rules
- Natural Hazard Mitigation Structures in the Outstanding Coastal Environment not meeting Controlled Activity Rules
- Earthworks in the Outstanding Coastal Environment not meeting Permitted Activity Rules where these are for -walking/cycling tracks; roads, farm tracks, fences, installation of network utility infrastructure or renewable electricity infrastructure, establishment of a building platform and access to a building site

Discretionary Activities are:

- Natural Hazard Mitigation Structures in the Outstanding Coastal Environment not meeting Permitted, Controlled or Restricted Discretionary Activity Rules
- Afforestation with Plantation Forestry in the Outstanding Coastal Environment Area, or any Significant Natural Area in the Coastal Environment
- Buildings and Structures not meeting Restricted Discretionary Rules

Non-complying Activities are:

- Activities that would destroy an ONF within the coastal environment

14.2.2 Evaluation of Options around the Coastal Environment

Option	Benefits	Costs	Efficiency and Effectiveness	Risk of acting/not acting
<p>Option A: status quo</p> <p>Buller: 4 policies from Plan Change 140 that focus on providing certainty for landuse within the Paparoa Character Area, and managing the scale, location, design and appropriateness of development in the coastal environment based on a set of criteria.</p> <p>Different rules in different zones controlling aspects that impact on natural character values of some areas of outstanding natural character within the coastal environment. A general setback of residential activities, forestry and prospecting from the coastline of 150m</p> <p>Grey District: 4 policies – that provide assessment criteria for development, direct development away from unmodified areas while providing guidance where it is appropriate. Consideration of natural character matters as an assessment matter where resource consent is</p>	<ul style="list-style-type: none"> Rules are known and have been operating for the last 20 years. 	<ul style="list-style-type: none"> The current approach does not meet the requirements of the WCRPS or the NZCPS. No provisions for Poutini Ngāi Tahu uses and generally the provisions do not reflect the principles of Te Tiriti. Areas of OCNC and HNC in some locations would continue to be degraded as there is insufficient recognition of their values within the rule framework No mapping in place identifying OCNCs/HCNCs – making it hard to assess the effects of activities on them. No specific identification/delineation of the coastal environment making it difficult to determine when coastal policies and objectives should be considered 	<ul style="list-style-type: none"> The current approach has not been effective at protecting coastal natural character values. Identified degradation of natural character values of areas of OCNC and HCNC has occurred. WCRPS requires identification of areas of OCNC and HCNC in accordance with regionally consistent criteria. Maintaining three sets of approaches is inconsistent with the efficiencies sought from the creation of a combined district plan. 	<ul style="list-style-type: none"> The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal. It is considered that there is certain and sufficient information about the provisions in this approach because they have been in place since the Operative District Plans came into effect in the early 2000s. <p>The risk of acting on these status quo provisions is that:</p> <ul style="list-style-type: none"> The current policy framework lacks detail and specific direction on appropriate or inappropriate activities The current policy framework does not recognise the requirements of the WCRPS or what is regarded as good practice in modern planning. Risks of acting in accordance with this approach includes further degradation of the natural

<p>required for other rules in the Plan. A general building setback of 100m from MHWS</p> <p>Westland District: 5 policies providing assessment criteria for development in the coastal environment, directing development away from wetlands and lagoons and unmodified areas while providing guidance where development is proposed in unmodified areas.</p> <p>Different rules in different zones controlling visual impacts of building with a specific Coastal Settlement Zone. A general setback for buildings within the Rural Zone of 150m from Mean High Water Springs.</p>				<p>character of the coastal environment.</p>
<p>Option B: Proposed Plan:</p> <p>Identification and mapping of the coastal environment.</p> <p>Mapping and scheduling of areas of OCNC and HCNC across the three districts.</p> <p>Recognising that much of the coastal environment is modified and focussing rules on the identified areas of high and outstanding natural character.</p>	<ul style="list-style-type: none"> • This approach meets the requirements of the NZCPS to identify the extent of the coastal environment. • This approach meets the requirements of the WCRPS to identify areas of HCNC and OCNC in accordance with regionally consistent criteria. • Objectives, policies and assessment criteria are updated and reflect the 	<ul style="list-style-type: none"> • Administrative costs to council for staff processing and enforcement activity. • Restrictions on landowner's ability to use their land. • Cost to landowners for resource consents 	<ul style="list-style-type: none"> • The proposed provisions are a more effective and efficient option than the status quo as they provide clear identification of the coastal environment and where within this there are areas of HCNC and OCNC and regulation of activities that could affect their values while also providing for ongoing maintenance activities without the need for resource consents. 	<ul style="list-style-type: none"> • The TTPP Committee has sufficient information to determine the effect of the provisions. • Within the Buller and Westland Districts there is experience with rules regulating building form and size within areas with outstanding coastal natural character. • The provisions being proposed have been applied widely in areas of HCNC and

<p>Within areas of HCNC/OCNC as well as ONLs and ONFs in the coastal environment, management of buildings, structures and earthworks through Rules which mean that only minor activities with minor effects are Permitted, otherwise resource consent and assessment of impacts on natural character are required.</p>	<p>requirements of the WCRPS</p> <ul style="list-style-type: none"> • Clear matters of discretion that will assist decision makers when assessing resource consent applications. • Will also assist in maintaining amenity values. • Will provide a clear focus for where natural character must be managed carefully • Within areas of HCNC/OCNC/Coastal ONLs and ONFs Permitted Activity rules provide a clear basis for day-to-day maintenance and operational activities to occur without the need for resource consents. • Poutini Ngāi Tahu enabled to undertake cultural uses and to develop their land in accordance with tikanga 		<ul style="list-style-type: none"> • WCRPS requires identification of areas of HCNC and OCNC in accordance with regionally consistent criteria. • A detailed natural character assessment has been undertaken, and reviewed in 2022 providing confidence in the identification of areas of HCNC and OCNC.. • Having one approach is consistent with the efficiencies sought from the creation of a combined district plan 	<p>OCNC across New Zealand, and are understood to be effective.</p> <ul style="list-style-type: none"> • The proposed approach is consistent with the WCRPS and the NZCPS.
<p>Option C: The Coastal Environment and Areas of HCNC and OCNC mapped in the Plan, but methods outside of TTPP used</p> <ul style="list-style-type: none"> - Rely on non-regulatory methods. - Rely on private landowners to 	<ul style="list-style-type: none"> • Increased economic and development opportunities and flexibility for landowners as they are not subject to regulatory restrictions to protect landscape and natural features. • The Councils will not have to administer resource 	<ul style="list-style-type: none"> • No regulatory controls increase uncertainty as the onus is on private landowners to protect landscape and natural features for the public good, with economic implications for landowners. • Loss of the important values of natural features and 	<ul style="list-style-type: none"> • No rules would enable inappropriate activities, subdivision and development which could lead to the detriment or loss of the natural character of the coastal environment, without any constraints. This approach has no certainty and has the potential to result 	<ul style="list-style-type: none"> • The risk of acting on the non-regulatory approach means that TTPP Committee may not be carrying out its duty/requirements under the RMA and it is likely to result in adverse effects on the natural character of the coastal environment

<p>manage and protect natural character</p>	<p>consent applications for activities within the coastal environment</p>	<p>landscapes, and areas of high and outstanding natural character within the coastal environment and their contribution to community identity, sense of place, amenity values and quality of the environment.</p>	<p>in significant adverse effects. No rules or standards in the TTPP is not considered effective to achieve the objectives or the requirements of the RMA, particularly Sections 6 (a) and (e) and 7.</p> <ul style="list-style-type: none"> WCRPS requires protection of areas of HCNC and OCNC 	<ul style="list-style-type: none"> It is considered that there is sufficient information to determine that Option C on its own is not appropriate (i.e. there is sufficient information so a low risk of acting).
<p>Quantification</p> <p>Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p> <p>The opportunity costs of protection of the natural character of the coastal environment on general land are most likely to arise from limitations on the subdivision, use and development on such properties, rather than precluding subdivision, use and development altogether. Most limitations are likely to be dealt with by general landowners with modifications and adaptations to the next best outcome. On that basis, the consequence of natural character protection for most activities is estimated to be low. Examples of opportunity costs on general land could include:</p> <ul style="list-style-type: none"> Less potential to subdivide if avoiding areas of OCNC would preclude a building site; The need to shift a proposed building site, access track, driveway, or road to avoid natural character and coastal impacts; The need to develop available land more intensively if the ability to spread activities (such as a house design or commercial building) would have required activities occurring in areas of natural features and landscape value; and An inability to develop land for pasture if that land is subject to natural character protection. <p>There are also opportunity costs for businesses operating mining or extractive activities. Every site is unique, and this makes it difficult to quantify or monetise effects on this industry with any certainty. In terms of potential opportunity costs on nationally significant infrastructure, opportunity costs may take the form of needing to relocate planned infrastructure to avoid areas of HCNC or OCNC (if in fact there are alternatives) or considering alternate methods of development such as undergrounding pipes or cables. Because of the significant capital costs of national infrastructure, any modifications or adaptations (outside the preferred location, route or method) will potentially result in significant costs in dollar terms (but not necessarily significant in % terms relative to total costs).</p>				
<p>Summary:</p> <p>In order to meet the requirements of the WCRPS, NZCPS and the RMA the most appropriate option is Option B: Proposed Plan.</p> <p>The proposed provisions are considered to be the most effective means of achieving the objective(s) at this time as together they will:</p> <ul style="list-style-type: none"> give effect to the WCRPS and the NZCPS enable the councils to meet s6 requirements of the RMA ensure that adverse effects of activities on the natural character of the coastal environment are managed appropriately 				

- | |
|---|
| <ul style="list-style-type: none">- enable the councils to effectively administer TTPP and to monitor the outcomes of the proposed provisions in a clear and consistent manner. |
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15.0 Summary

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

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

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

Part Four: Natural Character and Waterbodies

16.0 Overview and Purpose

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

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

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

16.1 Introduction to the Resource Management Issue

Waterbodies and their margins are an important part of the West Coast/Te Tai o Poutini. Waterbodies are connected (Ki uta ki tai - from the mountains to the sea) and have important values, including for biodiversity, cultural or historical reasons.

Under section 31 of the RMA district councils are responsible for the management of activities on land, including the margins of waterbodies. They are also responsible for the management of activities on the surface of waterbodies. The West Coast Regional Council has responsibility for the management of wetlands, lakes and rivers, including land uses in the beds of rivers.

On the West Coast/Te Tai o Poutini a range of activities occur on the surface of and adjacent to rivers, streams, lagoons and lakes. These include activities that have a functional need to locate on water surfaces such as jetties, bridges and piers, recreation activities like whitebaiting, fishing and boating and cultural activities undertaken by Poutini Ngāi Tahu.

Many of the activities that occur on or beside waterbodies have few effects (e.g. occasional recreational boating or sailing, whitebaiting and gamebird shooting). Other, more permanent activities such as structures have potential to generate adverse effects which could compromise important water values (such as the natural character, ecological, cultural, public access, amenity and recreational values of waterbodies).

Poutini Ngāi Tahu have a special relationship with the mauri of waterbodies, and ancestral, cultural, spiritual or historical associations with waterbodies. Many waterbodies in the West Coast/Te Tai o Poutini are identified as statutory acknowledgement areas and there are also nohoanga entitlements in place in some locations. These waterbodies contain associated kāinga, pā, important sites for the gathering of kai, tauranga ika and specialised zones for various activities of high cultural value such as cleansing, iriiringa, food preparation and bathing, which continue to be vital to the wellbeing, livelihood and lifestyle of Poutini Ngāi Tahu.

Rivers, streams, lakes and wetlands have important ecological, natural character and hydrological values and they provide important habitat for native plants, fish, birds, lizards, frogs, insects and aquatic and terrestrial macroinvertebrate aquatic life.

16.2 Regulatory and Policy Direction

16.2.1 Part 2 of the RMA

In carrying out a s32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA.

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

In achieving this purpose, authorities need also to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in s7 and take into account the principles of the Treaty of Waitangi referred to in s8. A number of provisions have been included throughout the Proposed TTPP in relation to water resources, in response to the requirements in Part 2, including particularly s6(a) concerning the protection of the natural character of rivers and lakes and their margins, s6(c) regarding the protection of significant indigenous vegetation and significant habitats of indigenous fauna, s6(d) relating to public access to and along the District's lakes and rivers, and s6(e) concerning the relationship of Maori and their culture and traditions with, for example, their ancestral lands and water.

Matters covered in s7(c) and s7(f) are also relevant to water provisions in the Proposed Selwyn District Plan. Those parts of Part 2 that directly reference water, lakes and rivers set out the basic requirements that any District Plan must give effect to, within the functions of a District Council specified under section 31 of the RMA.

Waterbodies can provide important sites for indigenous vegetation and habitat of indigenous fauna, both in their riparian margins and within the waterbodies themselves, and have natural character values. Sections 7(c) and 7(f) of the RMA relate to amenity values and the quality of the environment, both of which surface waterbodies contribute to.

17.2.2 National Instruments

National Policy Statement for Freshwater Management 2020

The National Policy Statement for Freshwater Management 2020 (NPS-FM) sets out an objective and policies that focus on:

- Managing freshwater in a way that 'gives effect' to Te Mana o te Wai: (the integrated and holistic well-being of a freshwater body) in the management of fresh water;
- Prioritising the health and wellbeing of water bodies and freshwater ecosystems, followed by the health needs of people, followed by the ability of people and communities to provide for their social, economic and cultural well-being, now and in the future;
- Avoiding overallocation, improving and maximising efficient allocation and use of water and safeguarding its life-supporting capacity;
- Improving integrated management of fresh water and the use and development of land;
- Establishing a national objectives framework, monitoring progress, and accounting for freshwater takes and contaminants; and
- Providing for the active involvement of tangata whenua in freshwater management and that Māori freshwater values are identified and provided for.

While many of the objectives and policies relate to the functions of regional councils, those covering integrated management, and tangata whenua roles and interests are of relevance to the district council functions. Provisions relating to the management of, use and development of land to safeguard water will also be relevant to the Proposed TTPP, but will need to be implemented in close co-ordination with West Coast Regional Council in order to avoid overlap and duplication.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESFM)

The NESFM sets out a comprehensive suite of regulations in relation to freshwater. These regulations are administered by the WCRC on the West Coast. Of specific relevance to the natural character of the riparian margins of waterbodies are the provisions around the riparian margins of wetlands.

These are aimed principally at protecting the hydrological and ecological functions of wetlands, and their water quality but nevertheless will also have a positive impact as regards natural character.

Clauses 38 – 56 of the regulation restricts vegetation clearance and earthworks within 10m of a wetland and these activities can only be undertaken for the restoration of wetlands, scientific research, construction and maintenance of wetland utility structures, specified infrastructure, existing arable or horticultural use and natural hazard works. Vegetation clearance and earthworks within 10m of a wetland for purposes other than provided for in the regulations are a non-complying activity.

New Zealand Coastal Policy Statement 2010

The mouths of rivers and many lagoons and hapua are located within the coastal environment, for example Ōkārito lagoon. The New Zealand Coastal Policy Statement 2010 (NZCPS 2010) will therefore be relevant to these waterbodies, but this is addressed in the s32 evaluation report for the Coastal Environment topic.

Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (NES-PF)

The NES-PF seeks to maintain or improve the environmental outcomes associated with plantation forestry activities throughout New Zealand, including those activities that could affect rivers, lakes and streams. The NES-PF prevails over any plan rules that duplicate or conflict with it. For the Proposed TTPP Plan, where general rules (such as those controlling earthworks or vegetation clearance) conflict with or duplicate the NES-PF but also apply to activities not involved with plantation forestry, an advisory note or reference to the NES-PF has been inserted to clarify the situation.

National Water Conservation Orders

Two national water conservation orders apply to waterbodies on the West Coast/Te Tai o Poutini – the National Water Conservation (Buller River) Order 2001 and the National Water Conservation (Grey River) Order 1991. Both water conservation orders identify particular values that are considered to be outstanding for each waterbody. Most of the provisions of the two water conservation orders relate to regional council functions, but both also include a clause stating that a resource consent shall not be granted under section 9 of the Act (relating to land use) if the effect would be that the provisions of the water conservation order could not be observed. Implicitly therefore, consents that would not ensure that the values listed for the Buller River and the Grey River were protected could not be issued by any of the Councils for land use activities close to either waterbody.

17.2.3 National Planning Standards and/or Guidance Documents

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

1. District Plan Structure Standard – requires that chapters on Natural character and Activities on the surface of water are included in a District Plan if relevant. The Natural character chapter sits within the Natural Environment Values section, and the Activities on the surface of water chapter sits within the District Wide Matters section
2. Draft District Wide Matters Standard – contains the following relevant sub-matters:
 - if provisions to protect the natural character of wetlands, lakes and rivers and their margins are addressed, they must be located in the Natural character chapter.
 - If a local authority has waterways on which activities occur which require management, it must provide an Activities on the surface of water section under a General – district wide matters section of the District Plan.

There are no national guidance documents relevant to this topic.

17.2.4 Regional Policy and Plans

West Coast Regional Policy Statement

Chapter 7A of the West Coast Regional Policy Statement (WCRPS) contains the provisions on natural character.

The Objectives are:

Objective 7A.1. Protect the natural character of the region's wetlands, and lakes and rivers and their margins, from inappropriate subdivision, use and development.

Objective 7A.2. Provide for appropriate subdivision, use and development to enable people and communities to maintain or enhance their economic, social and cultural wellbeing.

The Policies are:

Policy 7A.1. Use regionally consistent criteria to identify the elements, patterns, processes and qualities of the natural character of wetlands, and lakes and rivers and their margins.

Policy 7A.2 Protect the elements, patterns, processes and qualities that together contribute to the natural character of wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development.

Policy 7A.3 When determining if an activity is appropriate, the following matters must be considered:

- f) The degree and significance of actual or potential adverse effects on the elements, patterns, processes and qualities that contribute to natural character;*
- g) The value, importance or significance of the natural character at the local, or regional level;*
- h) The degree of naturalness;*
- i) The potential for cumulative effects to diminish natural character, and the efficacy of measures proposed to avoid, remedy or mitigate such effects; and*
- j) The vulnerability of the natural character to change, and its capacity to accommodate change, without compromising its values.*

Policy 7A.4. Allow activities which have no more than minor adverse effects on natural character.

Alongside this direction on natural character, Chapter 8 of the WCRPS relates to land and water. Specific relevant objectives and policies are:

Objective 8.2 Provide for a range of land and water uses to enable the economic, social and cultural wellbeing of West Coast communities while maintaining or improving water quality and aquatic ecosystems.

Objective 8.5 Achieve the integrated management of water and the subdivision, use and development of land within catchments, recognising the interconnections between land, fresh water, and coastal water, including by managing adverse effects of land and water use on coastal water quality.

Policy 8.1 Adverse effects on fresh and coastal water quality and aquatic ecosystems arising from:

- a) Subdivision, use or development of land;*
- b) Discharges of contaminants to water and to land in circumstances which may result in contaminants entering water;*
- c) Water use and take; and*
- d) Activities in, or on, water including damming and diversion,*

will be avoided, remedied or mitigated, to ensure that water quality and aquatic ecosystems are maintained or improved.

Policy 8.2 To give effect to Objective 2 of Chapter 3, the adverse effects of subdivision, use and development on Poutini Ngāi Tahu cultural values will be avoided, remedied or mitigated taking into account the following matters:

- a) A preference by Poutini Ngāi Tahu for discharges to land over water where practicable;*
- b) The value of riparian margin vegetation for water quality and aquatic ecosystems; and*
- c) Effects on the sustainability of mahinga kai, and protection of taonga areas.*

Policy 8.3 To give effect to Objective 2 of Chapter 3, manage land and water use in a way that avoids significant adverse effects (other than those arising from the development, operation, maintenance, or upgrading of RSI and local roads) and avoids, remedies or mitigates other adverse water quality effects on sites that are significant to Poutini Ngāi Tahu, including the following:

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

Policy 8.7. Encourage the coordination of urban growth, land use and development including the provision of infrastructure to achieve integrated management of effects on fresh and coastal water.

Policy 8.8 Provide for the social, economic and cultural wellbeing derived from the use and development of land and water resources, while maintaining or improving water quality and aquatic ecosystems.

Policy 8.9 Implement the National Policy Statement for Freshwater Management including the National Objectives Framework.

Policy 8.1 gives effect to the NPSFM and Objective 1 above by requiring that subdivision, use and development activities on land, discharges of contaminants, water takes and uses, and activities in, or on, water are managed in a way that reduces the adverse effects of those activities. Explicit detail on how this will be achieved will be set out in the Regional Land and Water Plan which is yet to be updated to comply with the NPSFM.

Regarding Policies 8.2 and 8.3, the discharge of contaminants to water is a significant environmental and cultural concern to Poutini Ngāi Tahu because of its impact on the health and mauri of water bodies, including adverse effects on coastal shellfish beds and fishing areas. To achieve the sustainability of mahinga kai, the health of these taonga must be maintained to provide for the needs of future generations. Discharge of sewage effluent to water is particularly offensive to Poutini Ngāi Tahu. Discharges to land are preferred where practicable, and where the effects are less than for discharges to water. Where possible, Poutini Ngāi Tahu encourage land-based treatment of stormwater, acknowledging that this may not be feasible in all situations on the West Coast/Te Tai o Poutini given the high rainfall and soil types. Poutini Ngāi Tahu also promote the maintenance and enhancement of riparian vegetation to protect water quality and aquatic ecosystems.

The regional and district councils need to have regard to the downstream effects of land and water use on coastal mahinga kai areas. Adverse effects on cultural values can be assessed and managed in consultation with tangata whenua through the resource consent and has been considered as part of the TTPP plan development processes. Mahinga kai and other taonga areas of significance to Poutini Ngāi Tahu are identified in regional plans and also the proposed TTPP.

Policy 8.7 recognises the connectivity between activities on land and their effects on water. These must be managed through both the regional and district plans. Activities upstream can also affect coastal water quality. An example of where integrated management is necessary includes ensuring sufficient infrastructure capacity is provided for stormwater disposal and discharge from new subdivision and land development, in order to avoid stormwater overflows flooding adjoining land, eroding riverbanks, or causing sedimentation of water bodies.

West Coast Regional Land and Water Plan 2014 (WCLWP)

Because freshwater management is primarily a regional function, there are extensive provisions around freshwater and land management in the West Coast Regional Land and Water Plan. Of specific relevance to the margins of waterbodies and activities on the surface of water topics are the following provisions.

In relation to activities in the beds of waterbodies

Objective 5.2.1 5.2.1 To avoid, remedy, or mitigate the adverse effects of lake and riverbed activities on:

- a) The stability of beds, banks, and structures;*

- b) The flood carrying capacity of rivers;
- c) The natural character of wetlands, lakes and rivers and their margins;
- d) Indigenous biodiversity and ecological values, including fish passage;
- e) Amenity, heritage, and cultural values;
- f) Sports fish habitat values;
- g) Water quality;
- h) Navigation; and
- i) Regionally significant infrastructure.

Policy 5.3.1 To provide for appropriate use and development in lakes and rivers and recognise the social and economic benefit particularly related to West Coast communities of maintaining existing structures and infrastructure.

Policy 5.3.2 To manage bed disturbance, reclamation, deposition and the use, erection, extension, reconstruction, maintenance, alteration, demolition, or removal of structures in, on, under, or over the bed of any lake or river, so that the activity does not cause or contribute to significant adverse effects on:

- a) The stability of beds and banks;
- b) The capacity of rivers to carry flood flow;
- c) Heritage, amenity or cultural values;
- d) Water quality;
- e) Existing structures or existing uses;
- f) Navigational safety;
- g) Aquatic ecosystem values (including habitat values and fish passage);
- h) The natural character of the coastal environment, wetlands, rivers and lakes and their margins;
- i) Significant indigenous vegetation and significant habitats of indigenous fauna.

And in relation to land disturbance and riparian areas

Objective 4.2.1 To avoid remedy or mitigate adverse effects from land disturbance so that the region's water and soil resources are sustainably managed.

Policy 4.3.3 To manage the disturbance of riparian margins to:

- a) Maintain or enhance water quality (including clarity, turbidity, and temperature), and in-stream values, (including aquatic ecosystems);
- b) Promote soil conservation;
- c) Ensure that existing public access to water bodies is maintained or enhanced;
- d) Protect the natural character of the coastal environment, wetlands, and lakes and rivers and their margins, from inappropriate use and development;
- e) Enable the maintenance and safe operation of regionally significant infrastructure.

Policy 4.3.7 To promote the exclusion of farm stock from estuaries, wetlands, lakes and rivers and their margins by actively encouraging:

- a) The establishment, maintenance and enhancement of vegetated riparian buffers;
- b) Land and riparian management to be undertaken in accordance with industry best practice;
- c) Fencing of waterways to prevent stock access; and
- d) Construction of bridges or culverts over regular stock crossing points

Policy 4.3.10 To encourage the retention, maintenance, or planting of appropriate riparian vegetation.

In terms of rules, the WCLWP takes the approach of a variable width of riparian margins, depending on the type of activity being regulated. This is outlined in the table below:

Summary of Riparian Margin Widths

Land cover or activity	Dominant slope angle	Rivers		Lakes
		1-3 metres wide	> 3 metres wide	
Existing pasture or pest plants	<12°	3 metres	3 metres	20 metres
	>12°	10 metres	10 metres	20 metres

Indigenous vegetation	<12°	5 metres	10 metres	20 metres
	>12°	10 metres	10 metres	20 metres
Humping & hollowing	Any slope	10 metres	10 metres	20 metres

A range of activities are regulated within riparian margins with generally a controlled activity required for things such as small scale earthworks (eg to establish a river crossing or similar) and a Discretionary Activity for larger scale activities, including earthworks and indigenous vegetation clearance.

No riparian margins are in place through this plan around wetlands, but under the NESFM there are significant restrictions on earthworks and vegetation clearance that can be undertaken within 10m of a wetland. No minimum size of wetland is provided for within the regulation.

17.2.5 Poutini Ngāi Tahu Iwi Management Plans

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

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

The Lake Māhinapua Management Plan has guided the development of provisions for this waterbody in relation to Activities on the Surface of Waterbodies. The bed of Lake Māhinapua is owned by Poutini Ngāi Tahu and the lake and its main outflow Mahinapua Creek/Tuwharewhare are important and scheduled Sites of Significance to Māori.

17.2.6 Statutory Acknowledgements

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

The purposes of statutory acknowledgements are:

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

The statutory acknowledgements for the particular cultural, spiritual, historical and traditional association of Poutini Ngāi Tahu include a large number of surface waterbodies. For example, Poutini Ngāi Tahu iwi statutory acknowledgment areas including Karangarua Lagoon, Kōtuku – Whakaoho/Lake Brunner, Lake Kaniere, Lake Pāringa, Makaawhio (Jacob’s River), Ōkaro Lagoon, Ōkarito Lagoon, Pouerua/Saltwater Lagoon and Taramakau River .

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

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

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

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

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

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

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

17.2.8 Other Legislation

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

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

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

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

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

18.0 Resource Management Issue and Analysis

18.1 Background

The operative District Plans for the West Coast/Te Tai o Poutini all have provisions in place for managing activities adjacent to waterbodies, but activities on the surface of water is less comprehensively dealt with. The provisions in relation to the margins of waterbodies are very similar across the operative plans for the three districts, and reflect the general practice and approach widely used across New Zealand.

With 84% of the West Coast/Te Tai o Poutini falling with the public conservation lands, a large number of the large surface waterbodies in the region are regulated via the Conservation Act and there are detailed provisions in the West Coast Conservation Management Strategy in relation to activities on and around waterbodies.

Maritime New Zealand is the national regulatory, compliance and response agency for the safety and security of coastal and inland waterways. They promulgate maritime rules around conduct of vessels. While the undoubted focus of their function is the marine environment, regulations also apply to vessels in freshwaters.

The West Coast Regional Council has the power to set local regulations under the Maritime Transport Act 1994 through a Navigation and Safety Bylaw but has not elected to do so. The Regional Council has transferred its Harbourmaster functions for Greymouth Port and Westport Port to the respective District Councils and does not provide any Harbourmaster function at Jackson Bay.

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

18.2.1 Research

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

Title	Te Tai o Poutini Plan: Options for Hydro Development Report to Te Tai o Poutini Plan Committee January 2021
Author	Lois Easton
Brief Synopsis	This report outlines the issues around potential hydro development on the West Coast and what approach could be used to support hydro development in Te Tai o Poutini Plan.
Link to Document	https://tpp.nz/wp-content/uploads/2021/01/TTPP-26-January-2021-Agenda.pdf

Title	Te Tai o Poutini Plan Technical Update: Activities on the Surface of Water Report to Te Tai o Poutini Plan Committee March 2021
Author	Lois Easton
Brief Synopsis	This report discusses draft Objectives and Policies for inclusion within Te Tai o Poutini Plan around activities on the surface of water.

Link to Document	https://tppp.nz/wp-content/uploads/2021/04/TTPP-Agenda-30-March-2021.pdf
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Title	Te Tai o Poutini Plan Technical Update: Approach to Landscape, Outstanding Natural Features and Natural Character. Report to Te Tai o Poutini Plan Committee May 2021
Author	Lois Easton
Brief Synopsis	This report outlines the issues around landscape and natural features as relates to development of provisions for TTPP. It includes the statutory context and strategic directions in place. It outlines the current situation in the three Operative Plans. It recommends an approach for managing these issues within TTPP.
Link to Document	https://tppp.nz/wp-content/uploads/2021/05/Agenda-TTPP-Committee-25-May-2021.pdf

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

Title	Te Tai o Poutini Plan Technical Update: Activities on the Surface of Water Rules Report to Te Tai o Poutini Plan Committee July 2021
Author	Lois Easton
Brief Synopsis	This report discusses draft Rules for inclusion within Te Tai o Poutini Plan around activities on the surface of water.
Link to Document	https://tppp.nz/wp-content/uploads/2021/07/TTPP-Agenda-26-July-2021.pdf

Title	Response to NPS Freshwater Management and NPS Urban Development. Report to Te Tai o Poutini Plan Committee September 2021
Author	Lois Easton
Brief Synopsis	This report outlines how these two NPS are being given effect to in Te Tai o Poutini Plan and recommends some amendments to reflect the national direction.
Link to Document	https://tppp.nz/wp-content/uploads/2021/09/Agenda-TTPP-28-September-2021.pdf

Title	Te Tai o Poutini Plan Technical Update: Natural Character and Activities Adjacent to Waterbodies Rules and Coastal Natural Character Rules. Report to Te Tai o Poutini Plan Committee October 2021
Author	Lois Easton

Brief Synopsis	This report discusses draft Rules for inclusion within Te Tai o Poutini Plan around natural character and activities adjacent to waterbodies.
Link to Document	https://tpp.nz/wp-content/uploads/2022/01/Agenda-29-October-2021.pdf

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

The draft TTPP was released for public feedback in January 2022 and there was some feedback provided on the Natural Character -Water provisions. The two chapters were amended following feedback as outlined in a report to the Committee on 29th March 2022.

18.2.2 Consultation and Engagement

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

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

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

Specific meetings and workshops held were:

Plan Development Phase

February 2020, 8 April 2021 Forest and Bird

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

28 July 2020 – multi-stakeholder infrastructure provider workshop

27 August 2020 – multi-stakeholder environmental interests

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

Draft Plan Consultation Phase

18 February 2022 – West Coast Conservation Board

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

22 February 2022 – multi-stakeholder infrastructure provider workshop

23 February 2022 – multi-stakeholder environmental interests

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

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

RMA Schedule 1 Consultation

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

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

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

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

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

18.2.3 Poutini Ngāi Tahu Advice

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāti Mahaki o Makaawhio are the two papatipu rūnanga on the West Coast/Te Tai o Poutini. They are collectively known as Poutini Ngāi Tahu. They have provided clear advice to the TTPP Committee around their expectations for waterbodies and activities that may affect these. Many waterbodies on the West Coast/Te Tai o Poutini are highly significant to Poutini Ngāi Tahu. There are a large number of waterbodies identified as Sites and Areas of Significance to Māori, sites and waterbodies such as Lake Mahinapua and the Arahua River where Poutini Ngāi Tahu own the bed of the waterbody, and areas that are important for mahinga kai and other uses. The Makaawhio River and Arahua River are the waterbodies that feature in the pepeha of Ngāti Mahaki o Makaawhio and Ngāti Waewae respectively and as such have extreme significance to Poutini Ngāi Tahu.

Poutini Ngāi Tahu seeks that Te Tai o Poutini Plan include mechanisms that allow Poutini Ngāi Tahu to exercise tino rangatiratanga across some awa (rivers) and roto (lakes and lagoons). They have identified that an approach which leaves these matters to be managed through an iwi/papatipu rūnanga management plan is preferred for these areas.

18.3 Operative District Plan Provisions

18.3.1 Buller District Plan

The Buller District Plan became operative on 28 January 2000. The Buller District Plan contains objective around the management of the natural character of waterbodies. This is as follows:

Objective 4.4.13.1 Promote land use activities which maintain or improve the water quality of the District's rivers and do not adversely affect water quantity, in order to safeguard the life supporting capacity of water.

There are 8 policies that sit under Objective 4.4.13.1

4.4.14.1. Consultation and liaison with relevant interested parties contained in a non statutory register shall continue on matters relating to the land/water quality management interface within Buller District.

4.4.14.2. Significant ecological, cultural and heritage sites related to the water resource shall be recognised and wherever possible protected through the encouragement of integrated land management practices.

4.4.14.3. To control the modification of significant natural wetlands to protect their natural character, landscape values, and their significance as areas of indigenous vegetation and habitats for indigenous fauna, and to sustain their life supporting capacity as indigenous ecosystems.

4.4.14.4. The protection of water resources from adverse effects of land based activities shall be encouraged and promoted.

4.4.14.5. *The establishment of buffers for example, in the form of esplanade reserves or strips along the margins of lakes, rivers and the Coastal Marine Area shall be promoted and encouraged as a means of maintaining and enhancing water quality.*

4.4.14.6. *Council has identified the following lakes, coastal estuaries and other waterways as places where the use of motorised craft is inappropriate because of the disturbance to wildlife, conflict with other users, degradation of natural character and disruption of natural quiet.*

4.4.14.6.1. *There be no provision for motorised craft use on:*

- *Lake Christobel*
- *Lake Hanlon*
- *Kohaihai River*

4.4.14.6.2. *In the following water bodies, the use of motorised water craft with an engine capacity of less than 5 horse power is permitted:*

- *Lake Daniells*
- *Punakaiki River: upstream of the road bridge*
- *Pororari River: upstream of the road bridge*
- *Otomahana Lagoon*
- *Orowaiti River: upstream of the rail bridge*
- *Okari: upstream of the road bridge*

4.4.14.7. *To protect and enhance riparian margins adjacent to rivers, streams, lakes, wetlands and the coast for the purposes of:*

- Maintenance of the natural character of waterways, natural habitats and water quality including the mitigation of adverse effects of contaminant discharges and other natural and aesthetic and amenity values associated with the adjacent waterway.*
- Public recreation.*
- Public access.*
- Maintenance of bank stability and reduction in sedimentation.*

In terms of rules the Buller District Plan identifies riparian margins within the Rural Character Area, Paparoa Character Area, Natural Environments Character Area as follows:

- 25m from every wetland >0.5ha
- 20m from all lakes
- 10m from rivers and streams with an average bed width of >3m

Within these riparian margins the only activities allowed without a Discretionary Activity resource consent are fencing, pest and weed control, infrastructure, services and stopbanks.

In terms of activities on the surface of waterbodies, the Buller District Plan controls

- Commercial operations on the surface of the Buller River, Karamea River and tributaries (Discretionary Activity resource consent required)

Buller Plan Change 141

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

Objective 2 – To enable appropriate subdivision, use and development of waterbodies, wetlands and their margins where adverse effects on significant natural character, ecological, recreational, amenity and cultural values are avoided or mitigated.

Objective 4 – To enable activities on the surface of waterbodies where adverse effects on significant natural character, ecological, recreational, amenity and cultural values are avoided or mitigated.

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

Policy 7 – To enable the use of the surface of waterbodies provided the adverse effects of these activities on natural character, ecological, cultural and amenity values of waterways and their margins are avoided or mitigated.

18.3.2 Grey District Plan

The proposed Grey District Plan was publicly notified in December 1999. The plan contains two objectives, and five policies that relate to the waterways and their margins. These are as follows:

Objective 6.3.1 To avoid, remedy or mitigate adverse effects arising from conflicting activities on the surface of waters.

Objective 6.3.2 Preservation of the natural character of lakes, rivers and wetlands and their margins from inappropriate use, development and subdivision.

Policy 6.4.1 Activities should be separated on the surface of water where there is a potential for conflict.

Policy 6.4.2 Activities on the surface of water should not adversely affect public access, water quality and amenities such as quietness.

Policy 6.4.3 The adverse effects of activities on natural character of margins should be avoided, remedied or mitigated in terms of:

- a) Recreation values*
- b) Conservation values*
- c) Continued public access*
- d) Retention of indigenous vegetation and habitats*
- e) Water quality*
- f) Heritage sites*
- g) Cultural and spiritual values*

Policy 6.4.4 Structures that do not have a operational reason to be located on the margins of rivers and lakes, and in wetlands, should avoid this location, particularly in unmodified areas.

Policy 6.4.5 Any modification of wetlands is undertaken in a manner that protects their natural character and, in particular, those components of the natural character that comprise indigenous vegetation, habitat for indigenous fauna, life supporting capacity for indigenous ecosystems and ecological functioning

In terms of rules, the Grey District Plan identifies riparian margins within the Rural Environment Area, as follows:

- 25m from every wetland >0.5ha
- 20m from all lakes
- 10m from rivers and streams with an average bed width of >3m

Within these riparian margins indigenous vegetation clearance, buildings and forestry require a Discretionary Activity resource consent.

The Grey District Plan does not have specific rules for activities on the surface of waterbodies – instead controlling these as though there were land uses on zoned land.

18.3.3 Westland District Plan

The Westland District Plan became operative on 1 June 2002. The Westland District Plan contains two objective around the management of water resources as follow:

3.11.1 To control landuse and subdivision activities that may have adverse effects on the quality, instream values and availability of water resources and recognise the importance of water to the environment.

3.11.2 To avoid, remedy and/or mitigate the adverse effects of activities which utilise surface waters.

Alongside this there are five relevant policies:

4.11.A Land based activities shall avoid, remedy or mitigate adverse effect on the water quality of rivers, lakes and streams.

4.11.B Developers and landowners shall be encouraged to establish buffer zones or riparian strips along the margins of water bodies adjacent to land use activities with potential to adversely affect water quality.

4.11.D To maintain and enhance significant indigenous vegetation on water margins.

4.11.E To control the destruction and removal of significant indigenous vegetation on water margins.

4.12.A. To ensure that activities being undertaken on the District's lakes and rivers occur in a manner which avoids, remedies or mitigates their effects on wildlife habitats, other natural conservation values and tangata whenua values.

In terms of the rules, the Westland District Plan identifies riparian margins within the Rural Zone, as follows:

- 25m from every wetland >2ha
- 20m from all lakes
- 10m from rivers and streams with an average bed width of >3m

Within these riparian margins the indigenous vegetation clearance and buildings require a Discretionary Activity resource consent.

The Westland District Plan does not have specific rules for activities on the surface of waterbodies – instead controlling these as though there were land uses on zoned land.

18.3.4 Analysis of combined operative district plan approaches

The three operative plans approaches are generally working well as regards management of the margins of waterbodies, however there is a significant gap, particularly in Grey and Westland around the management of activities on the surface of waterbodies. In the absence of a Regional Council bylaw, an increase in commercial water-based activities, and increased use of motorised watercraft on surface waterbodies across the West Coast is now having adverse effects in some locations. In particular strong concern has been expressed by Poutini Ngāi Tahu regarding the impacts of activities on cultural values of sites and areas of significance to Māori and a range of other waterbodies with significant Poutini Ngāi Tahu values.

Within the Westland and Grey Districts, the approach of treating activities (e.g. commercial activities) on waterbodies as though it was zoned land is probably ultra vires –this practice has arisen because of the age of the operative plans and insufficient regulation of activities in this area.

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

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

- Porirua District Plan (2nd generation, proposed)
- New Plymouth District Plan (2nd generation, proposed)
- Selwyn District Plan (2nd generation, proposed)
- Far North District Plan (2nd generation, draft)
- Timaru District Plan (2nd generation, draft)
- Nelson Resource Management Plan (2nd generation, draft)

Plans prepared under the National Planning Standards all have separate chapters for Natural Character as it relates to waterbodies and Activities on the Surface of Water, however plans prepared prior to the standards often combine the two matters.

In relation to the margins of waterbodies and management of natural character, there's quite a variable approach to this. Generally, all Councils require some degree of setback -the current setbacks in the Operative West Coast District Plans are at the less restrictive end of the spectrum but

not unusually so. Generally buildings and structures, indigenous vegetation clearance and earthworks are the matters that are regulated.

Older plans often incorporate setback provisions into zone standards, rather than having separate standalone provisions.

In relation to management of activities on the surface of waterbodies:

- Porirua has no navigable waters under its jurisdiction and therefore does not have any provisions for activities on the surface of water.
- New Plymouth requires a resource consent for all structures on the surface of water;
- Nelson controls motorised and non-motorised watercraft and commercial activities;
- Selwyn regulates motorised watercraft on the surface of lakes with a shortlist of Permitted Activities and all other use of motorised watercraft Prohibited;
- Timaru has detailed waterbody specific provisions which focus on motorised craft and commercial activities and structures.

19.5 Summary of Issues Analysis

The analysis of the issues has identified that:

- Generally in relation to the margins of waterbodies and protection of natural character, the operative plans are working reasonably well, and in step with wider national practice.
- There is a multi-layer of other regulations (NES – FW and the WCRLWP) that also regulate activities in the riparian margins of waterbodies
- Activities on the surface of water are less well managed in the operative plans.
- While speed and type of watercraft is a matter normally regulated through a regional council bylaw, no such bylaw is in place on the West Coast
- Poutini Ngāi Tahu have identified a significant need to better manage activities on the surface of waterbodies as some current unregulated activities are adversely affecting cultural values and the natural character of culturally important waterbodies.

20.0 Scale and Significance Evaluation

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

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

implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?				
Likelihood of increased costs or restrictions on individuals, businesses or communities		x		

20.1 Explanation Summary

The level of detail of analysis in this report is low-moderate.

While the management of water resources has a number of components that are of national importance under Part 2 of the RMA (including natural character, significant indigenous vegetation, significant habitats of indigenous fauna, public access and the relationship of Māori and their culture and traditions with water), the role that the district councils have under s31 of the RMA is restricted to the management of the effects of land use.

Many of the effects of land use on water are considered explicitly under the WCRPS and the WCRLWP, and duplication of the approaches is not efficient. In addition, the provisions recommended for the Proposed TTPP are largely a refinement of the operative District Plan provisions rather than a completely new approach. The effect of the provisions is therefore already well understood and the proposed provisions will not result in significant additional environmental, economic, social or cultural costs.

21.0 Evaluation

21.1 Evaluation of Objectives

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

Existing Objectives	Appropriateness to Achieve the Purpose of the Act
<p>Buller District Plan Objectives (Plan Change 140):</p> <p>(Plan Change 140):</p> <p><i>Objective 2 – To enable appropriate subdivision, use and development of waterbodies, wetlands and their margins where adverse effects on significant natural character, ecological, recreational, amenity and cultural values are avoided or mitigated.</i></p> <p><i>Objective 4 – To enable activities on the surface of waterbodies where adverse effects on significant natural character, ecological, recreational, amenity and cultural values are avoided or mitigated.</i></p>	<p>Retaining separate objectives for the three districts is not considered appropriate.</p> <p>These objectives have been amalgamated into a set of objectives for all three districts that are consistent with the views of TTPP Committee and statutory and policy context.</p> <p>The Buller Plan Change 140 Objectives are not consistent with the WCRPS as they focus on enabling development in the margins of waterbodies and activities on the surface of waterbodies, rather than giving effect to the protective requirements set out in the higher order regulation. The Grey and Westland District Plan objectives both echo the wording in the RMA but do not address the breadth of matters and direction from the WCRPS.</p>
<p>Grey District Plan Objectives:</p> <p><i>Objective 6.3.1 To avoid, remedy or mitigate adverse effects arising from</i></p>	<p>New objectives are proposed as detailed below.</p>

<p><i>conflicting activities on the surface of waters.</i></p> <p><i>Objective 6.3.2 Preservation of the natural character of lakes, rivers and wetlands and their margins from inappropriate use, development and subdivision.</i></p>	
<p>Westland District Plan Objective</p> <p><i>3.11.1 To control landuse and subdivision activities that may have adverse effects on the quality, instream values and availability of water resources and recognise the importance of water to the environment.</i></p> <p><i>3.11.2 To avoid, remedy and/or mitigate the adverse effects of activities which utilise surface waters.</i></p>	
<p>Proposed TTPP Objectives:</p> <p>Natural Character and the Margins of Waterbodies Chapter</p> <p><i>NC – O1 To preserve the natural character of lakes, rivers and wetlands and their margins while providing for appropriate subdivision, use and development where adverse effects can be avoided or mitigated</i></p> <p><i>NC – O2 To recognise and provide for the relationship of Poutini Ngāi Tahu and their traditions, values and interests associated with the natural character of lakes, rivers and wetlands and their margins</i></p> <p><i>NC – O3 To provide for activities which have a functional need to locate in the margins of lakes, rivers and wetlands in such a way that the impacts on natural character are minimised</i></p> <p>Activities on the Surface of Waterbodies Chapter</p> <p><i>ASW – O1 The ecological, recreational, natural character, amenity and Poutini Ngāi Tahu values of the District's rivers, lakes and lagoons are protected from the adverse effects of activities and structures on the surface of water.</i></p>	<p>The objectives are considered the most appropriate way to achieve the purpose of the Act because they:</p> <ul style="list-style-type: none"> • will give effect to part 5 of the RMA, which requires the Council to provide for people's economic and social wellbeing. • will address the requirement under s6(a) of the RMA to preserve the natural character of the margins of waterbodies and protect it from inappropriate use and development • will address the requirement under s6e of the RMA to recognise and provide for the relationship of Māori with their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; • will give effect to policy in the WCRPS that seeks to preserve the natural character of waterbodies • will reflect best practice by using directive language and reflecting the approach taken in other district plans. • provides for activities that have a functional need to locate adjacent to waterbodies • will not result in unjustifiably high costs on the community or landowners given the direction to preserve natural character in the RMA. • will require the Council, community and landowners to work together. • provides an acceptable level of uncertainty and risk in comparison to the protection of the waterbodies and their natural character to date.

Evaluation of Alternative Option	Appropriateness to Achieve the Purpose of the Act
An alternative to Objectives NC-O1 – O3 would be to have a	A more general objective, while still consistent with the requirements of the RMA and the higher order documents that

<p>more general objective to maintain and enhance, or protect, the values of the West Coast's water bodies. An alternative to Objective ASWO1 would have been to not consider the effects of activities on the surface of waterbodies within the District</p>	<p>the TTPP must give effect to, would be less clear and less effective and could duplicate functions with the WCRC. It would also not recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands and taonga. Not considering the effects of activities on the surface of the West Coast's waterbodies would not allow acknowledged issues with the use of some waterbodies on Poutini Ngāi Tahu values.</p>
<p>Summary</p> <p>The proposed objective will achieve the purpose of the RMA as it is a clear statement of intent that the natural character and values of the margins of waterbodies will be identified and protected. It provides certainty as to the outcomes that are appropriate under the TTPP provisions and are aligned with best practice throughout New Zealand.</p>	

21.2 Evaluation of Policies and Rules

21.2.1 Description of the Proposed Provisions

Width of Riparian Margins and Definitions

The operative Plans approach to widths of riparian margins has been brought across and standardised for the three districts. Widths of riparian margins are in line with national direction and regional approaches as much as possible, in order to minimise the complexity of the regulation in this area. Riparian margin widths are:

- 10m from the edge of any wetland;
- 20m from the bank of any lake; and
- 10m from the bank any stream or river with an average bed width of >3m.

Definitions of wetland are as per the RMA and the definition of lake does not include any ephemeral pond, artificial pond/waterbody, reservoir, or water hole.

Identification of Culturally Significant Waterbodies

Consultation with Poutini Ngāi Tahu through development of the Plan has identified culturally significant waterbodies. Poutini Ngāi Tahu considered the range of types of activities that impact on cultural values. In some instances these particularly relate to the use of waterbodies by motorised watercraft, or for groups of watercraft and these waterbodies were identified as needing management through the Activities on the Surface of Waterbodies provisions. The cultural values of other waterbodies were identified as being vulnerable to events – and these are regulated through the Temporary Activities part of TTPP. A large number of waterbodies were also identified as Sites and Areas of Significance to Māori and those provisions apply. The waterbodies of cultural significance regulated by the Activities on the Surface of Water provision are:

In Grey

- Saltwater Lagoon Paroa and Kaimata/New River. These are part of the Taramakau River system over which Poutini Ngāi Tahu have a statutory acknowledgement.

In Westland

- Lake Mahinapua and its main outflow Mahinapua Creek/Tuwharewhare. The bed of Lake Mahinapua is owned by Poutini Ngāi Tahu who have prepared a management plan jointly with DOC for its management. This specifically prescribes that motorised watercraft should be excluded from the lake and Tuwharewhare. The whole area is also an identified Site of Significance to Māori. It also has a statutory acknowledgement over it.
- Arahura River. The bed of the Arahura River is owned by Poutini Ngāi Tahu and it is the sacred awa of Ngāti Waewae. The river and surrounding land are also identified Sites and Areas of Significance to Māori.

- Makaawhio River. This is the sacred awa of Ngāti Mahaki o Makaawhio. The river and surrounding land are also identified Sites and Areas of Significance to Māori and there is a statutory acknowledgement over the river.
- Waitangiroto River, South Westland. This has a Site of Significance to Māori identified and is also highly valued for its natural character.
- Makatata Stream, South Westland. This has a Site of Significance to Māori identified and is also highly valued for its natural character.

Policies

There are five policies for Natural Character and the Margins of Waterbodies. These policies address the following matters:

- a) Minimising adverse effects of activities on natural character
- b) Where indigenous vegetation clearance and earthworks are provided for
- c) Where buildings and structures are provided for
- d) Encouraging the restoration of natural character of riparian margins
- e) Balancing public access with natural hazard mitigation

There are three policies for the Activities on the Surface of Waterbodies. These policies address the following matters:

- a) Use non-motorised watercraft
- b) Use motorised watercraft
- c) Commercial activities and structures

Rules

The rules for the natural character of waterbodies and riparian margins are similar to the operative plans but standardised as one set. They also are explicit about activities that can occur in riparian margins due to a functional or operational need to locate there.

Permitted Activities are:

Indigenous vegetation clearance of 20m²/200m length of riparian margin and earthworks of 20m³/200m length of riparian margin for the following purposes:

- Fence lines;
- Maintenance, operation, minor upgrade and repair of network utilities, critical infrastructure or renewable electricity generation activities;
- Connections to reticulated network utility systems;
- Installation of an environmental monitoring and extreme weather event monitoring facility;
- Maintenance and repair of lawfully established structures;
- The construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone;
- The establishment of a river crossing point up to 3m wide;
- Poutini Ngāi Tahu activities;
- Activities on Māori Purpose Zoned land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan;
- Natural hazard mitigation activities undertaken by a statutory agency.

Buildings and Structures for the following purposes are also Permitted:

- Network utilities;
- Temporary whitebait stands;
- Environmental monitoring facilities;
- Parks facilities and parks furniture within an Open Space and Recreation Zone;
- Natural hazard mitigation structures constructed by a statutory agency
- Renewable electricity generation facilities where these have a functional need to locate within the riparian margin;
- Stormwater discharge structures and water supply intake structures.

New natural hazard mitigation structures are also Permitted Activities where they are constructed by a statutory agency.

Outside of these Permitted Activities, indigenous vegetation clearance, earthworks and buildings/structures in riparian margins are a Discretionary Activity.

In relation to Activities on the Surface of Waterbodies the rules are as follow:

Permitted Activities:

- Use of Non-commercial, non-motorised watercraft
- Use of non-commercial, motorised watercraft except for specifically identified lakes and rivers
- Use of non-commercial, motorised watercraft on specifically identified lakes and rivers where this is for scientific purposes, biosecurity, law enforcement, conservation work, sports fish management or where it is provided for in an iwi/Papatipu Rūnanga management plan.
- Installation of structures on artificial lakes and ponds
- Installation of structures on the surface of waterbodies where they are:
 - On the specifically identified lakes and rivers in accordance with an iwi/Papatipu Rūnanga management plan
 - Temporary swimming platforms
 - Whitebait stands

Controlled Activities:

- Permanent swimming platforms except on specific identified waterbodies of cultural significance

Restricted Discretionary Activities

- Commercial activities on the surface of waterbodies except on specific identified waterbodies of cultural significance

Discretionary Activities

- Use of motorised watercraft, commercial activities and structures not meeting Permitted, Controlled or Restricted Discretionary Activity Rules

21.2.2 Evaluation of Options in relation to Natural Character and Waterbodies

Option	Benefits	Costs	Efficiency and Effectiveness	Risk of acting/not acting
<p>Option A: status quo</p> <p>Buller (Plan Change 141): Two policies which aim to enable activities on the surface of waterbodies and to avoid or mitigate effects on natural character, ecological, recreational, amenity and cultural values of waterbodies and their margins</p> <p>Rules which restrict indigenous vegetation clearance, earthworks and buildings within riparian margins in the rural zones.</p> <p>Grey District: Five policies that aim to separate conflicting activities, avoid remedy or mitigate adverse effects on recreation, conservation, public access, indigenous vegetation and habitats, water quality, heritage sites and cultural and spiritual values. Direction to avoid structures that do not have an operational reason to locate on or adjacent to waterbodies.</p>	<ul style="list-style-type: none"> • Rules are known and have been operating for the last 20 years. • Protection of riparian margins provides a natural environment asset to the West Coast and a better living environment for the community, and a community asset (where access is available) particularly in townships adjacent to waterbodies 	<ul style="list-style-type: none"> • No provisions for Poutini Ngāi Tahu uses and generally the provisions do not reflect the principles of Te Tiriti. 	<ul style="list-style-type: none"> • Maintaining three sets of approaches is inconsistent with the efficiencies sought from the creation of a combined district plan. 	<ul style="list-style-type: none"> • The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal. • It is considered that there is certain and sufficient information about the provisions in this approach because they have been in place since the Operative District Plans came into effect in the early 2000s. <p>The risk of acting on these status quo provisions is that:</p> <ul style="list-style-type: none"> • The current policy framework lacks detail and specific direction on appropriate or inappropriate activities • The current policy framework does not recognise the impacts some activities are having on cultural values and natural character of waterbodies

<p>Rules which restrict indigenous vegetation clearance, earthworks and buildings within riparian margins in the rural zones.</p> <p>Westland District: Five policies that seek to avoid, remedy or mitigate adverse effects on water quality, wildlife habitats and tangata whenua values, encourage buffer zones along the margins of waterbodies, and control destruction of significant indigenous vegetation on water margins.</p> <p>Rules which restrict indigenous vegetation clearance, earthworks and buildings within riparian margins in the rural zones.</p>				
<p>Option B: Proposed Plan:</p> <p>Standardised riparian margin</p> <p>Policies that provide for protection of natural character as well as cultural values of waterbodies of importance to Poutini Ngāi Tahu.</p> <p>Rules that Rules which restrict indigenous vegetation clearance, earthworks and</p>	<ul style="list-style-type: none"> • Minimisation of duplicated costs between TTPP and WCRC consent processes through restriction in scope of District Plan rules • Protection of riparian margins provides a natural environment asset to the West Coast and a better living environment for the community, 	<ul style="list-style-type: none"> • Administrative costs to council for staff processing and enforcement activity. • Restrictions on landowner’s ability to use their land. • Cost to landowners for resource consents 	<ul style="list-style-type: none"> • The proposed provisions are a more effective and efficient option than the status quo as they reduce the overlap between the different layers of regulation • WCRPS requires management of the natural character of waterbodies. • Having one approach is consistent with the efficiencies sought from the creation of a combined district plan 	<ul style="list-style-type: none"> • The TTPP Committee has sufficient information to determine the effect of the provisions. • The provisions are similar to the operative plans – there is good experience of their effectiveness and what activities require management. • The provisions being proposed have been applied widely in riparian areas across New Zealand, and

<p>buildings within riparian margins in the rural zones.</p> <p>Rules that allow for watercraft use as a permitted activity on most waterbodies but restrict commercial activities so that effects can be managed. Rules that provide for Poutini Ngāi Tahu to lead decision making around how culturally significant waterbodies are managed in relation to activities on their surface.</p> <p>Restricting the development of structures on waterbodies to minimise impacts on natural character and public access.</p>	<p>and a community asset (where access is available) particularly in townships adjacent to waterbodies</p> <ul style="list-style-type: none"> • Enables tino rangatiratanga over culturally significant waterbodies and supports cultural uses • More clearly supports activities that have a functional need to locate on or adjacent to waterbodies 			<p>are understood to be effective.</p> <ul style="list-style-type: none"> • The proposed approach is consistent with the WCRPS. • There is sufficient information available about the benefits for natural character of management of activities in riparian margins to provide a good foundation for the objective, policies and rule requirements proposed. The costs and benefits of the provisions are well understood. Consequently the risks of acting as proposed are not considered to be significant.
<p>Option C: Do not restrict activities on the surface of water and in riparian margins</p> <ul style="list-style-type: none"> - Rely on provisions in the WCRC Land and Water Plan and the NES – FW only for riparian management - Seek the development of a WCRC Bylaw to manage watercraft on surface waterbodies 	<ul style="list-style-type: none"> • Increased economic and development opportunities and flexibility for landowners as they are not subject to regulatory restrictions to protect landscape and natural features. • The Councils will not have to administer resource consent applications for activities adjacent to or on waterbodies 	<ul style="list-style-type: none"> • Structures are not regulated by the WCRC riparian provisions meaning that loss of natural character could occur. • Does not address Poutini Ngāi Tahu concerns about impacts on the cultural and natural values of culturally significant waterbodies 	<ul style="list-style-type: none"> • No rules would enable inappropriate activities, subdivision and development which could lead to the detriment or loss of the natural character of the coastal environment, without any constraints. This approach has no certainty and has the potential to result in significant adverse effects. No rules or standards in the TTPP is not considered effective to achieve the objectives or the requirements of the RMA, 	<ul style="list-style-type: none"> • The risk of acting on the non-regulatory approach means that TTPP Committee may not be carrying out its duty/requirements under the RMA and it is likely to result in adverse effects on the natural character of the coastal environment • It is considered that there is sufficient information to determine that Option C on its own is not appropriate (i.e. there is sufficient

			particularly Sections 6 (a) and (e) and 7. • WCRPS requires protection of areas of HCNC and OCNC	information so a low risk of acting).
Quantification Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.				
Summary: In order to meet the requirements of the WCRPS and the RMA the most appropriate option is Option B: Proposed Plan. The proposed provisions are considered to be the most effective means of achieving the objective(s) at this time as together they will: <ul style="list-style-type: none"> - give effect to the WCRPS - enable the councils to meet s6 requirements of the RMA - ensure that adverse effects of activities on the natural character of waterbodies are managed appropriately - enable the councils to effectively administer TTPP and to monitor the outcomes of the proposed provisions in a clear and consistent manner. 				

22.0 Summary

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

- The objectives and policies provide direction and certainty to plan users on the outcomes expected for waterbodies.
- Permitted activity rules in respect to buildings, structures and earthworks which allow for maintenance and repair to existing structures and infrastructure
- Activities that may generate adverse effects, reduce the quality of the environment and harm the values of waterbodies are appropriately managed through the resource consent process.
- Other methods outside TTPP that are effective in practice to achieve the proposed objectives will continue to be used alongside the regulatory approach.

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