

Submission on notified proposal for Te Tai o Poutini Plan  
[Clause 6](#) of Schedule 1, Resource Management Act 1991

**To** Buller District Council

**Name of submitter:** Jane Whyte and Jeff Page

**This is a submission** on the following proposed policy statement (*or* on the following proposed plan *or* on a change proposed to the following policy statement *or* plan *or* on the following proposed variation to a proposed policy statement *or* on the following proposed variation to a proposed plan *or* on the following proposed variation to a change to an existing policy statement *or* plan) (the **proposal**): Proposed Te Tai o Poutini Plan.

**We could not gain an advantage in trade competition through this submission.**

**The specific provisions of the proposal that my submission relates to are:** See attached

**My submission is:** See attached.

**We seek the following decision from the local authority:** See attached, together with any other alternative or consequential amendments necessary to give effect to the attached.

**We wish to be heard** in support of our submission.

**If others make a similar submission**, we will consider presenting a joint case with them at a hearing.



Signature of submitter (*or* person authorised to sign on behalf of submitter)

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## Submission

### **1. Overview**

We own 11 Owen Street Punakaiki, purchasing the property in February 2021. The property is approximately 868 m<sup>2</sup> occupied by a single two storied building of approximately 210 m<sup>2</sup> flood area, with a gross ground floor area of in the order of 110 m<sup>2</sup>. The property is connected to the Punakaiki water supply, but is reliant on on-site effluent and stormwater management.

At the time of purchase the property was consented (both resource consent and building consent) for a 20 person backpackers. In July 2022 we changed the use of the building under the Building Act to a detached dwelling and practically use it as a bach. The resource consent for the backpackers has been given effect to and remains valid.

We purchased the property in the knowledge of:

1. Punakaiki was prior to COVID, and will again, be a major international tourism attraction, bring will it a level of tourism activity that is not currently evident.
2. The property was located in an area of mixed use, with the Punakaiki Tavern (including tourist accommodation) abutting to the east, Punakaiki Beach Camp to the west with its office to the south, and dwellings to the north and south various used as baches and to provide commercial holiday accommodation.
3. The community, through rates, had invested in, and continues to fund the maintenance of, the Punakaiki Seawall as a defence against coastal erosion and inundation.
4. The special land features set out in the Buller District Council Land Information memorandum issued on 20 January 2021. Of relevance this showed the property was outside of Punakaiki Rockfall and Rapid Debris Hazard area and was not subject to any further Special Land Features.

We recognise that Punakaiki Village is located on (we suspect) a mix of river and sea deposits, is border to the east of a significant geological feature (Paparoa Syncline) and Pororari River to the north and sea to the west. Individually and together these result an active natural environment that results in a series of natural hazards.

In our view the two principle issues that the Proposed Te Tai o Poutini Plan needs to address are:

1. The extend to which and balance between tourism and residential activities should be enabled.
2. The management response to the known natural hazards and how these relate to 1.

In our view, in summary the Proposed Te Tai o Poutini Plan should:

1. Recognise the importance of Punakaiki as a whole, and of Punakaiki Village, for regional, national and international tourism;
2. Enable the continuation of the mixed of uses of Punakaiki Village, and if necessary, the upgrade and replacement of the various buildings and structures associated with this;
3. Provide for a low level of further development of Punakaiki Village in a form and or an intensity and scale that reflects the current uses and built form; and
4. Manage natural hazards by 3 above and implementing a retreat strategy only at the time that a natural hazard event renders land unsuitable for redevelopment.

It is our submission that the Proposed Te Tai o Poutini Plan does not do this as follows:

1. The Coastal Settlement Precinct 3 (SETZ-PREC3) provisions are inappropriately restrictive in relation to tourism activities, overly focussed on residential activities and fails to fully recognise existing changes to the values of the coastal environment that result from the Punakaiki Village;
2. The natural hazards and coastal overlays are not clear in their geographic application and relationship with other plan provisions, and are overly restrictive; and
3. For other matters is unclear and hence uncertain about how they apply to part or all of Punakaiki Village, and for the avoidance of doubt, should not apply as set out in the detail below.

## 2. Management approach to Punakaiki Village

### Summary of reasons

The management approach to the Punakaiki Village does not adequately recognise the mix of complementary functions of this village, its existing character and the importance of it being able to continue to adapt.

A modified form of the Special Purposes Scenic Visitors Zone (SVZ) better provides for the sustainable management of Punakaiki Village, with the necessary modifications reflecting Punakaiki Village's mixture of uses, including residential and commercial activities, and a built form of relatively low intensity.

### Specific provisions, Support or Oppose, Decision Sought

<i>Provision</i>	<i>Support or Oppose</i>	<i>Decision Sought</i>
UFD-01	Support	Retain
TRM-01	Oppose in part	Provide for specific recognition of the tourism importance of Fox Glacier/Wheheka, Josef/Waiau and Punakaiki to Te Tai o Poutini, by adding.  <i><u>Recognising the strategic importance of Fox Glacier/Wheheka, Josef/Waiau And Punakaiki Townships.</u></i>
SVZ-01	Support	Retain
SVZ-P1	Support	Amend by adding as follows:  <i><u>d. Recognises the existing mixed character of commercial and residential uses of Punakaiki Township</u></i>
SVZ-P3	Support	Retain
SVZ-P4	Oppose in part	Amend to recognise develop is to be sympathetic to existing built environments as follows:  <i><u>...scenic and built environments ...</u></i>

SVZ-P6	Oppose in part	Amend to recognise develop is to be sympathetic to existing built environments as follows:  <i><u>f. Reflect the character of the existing built environment</u></i>
SVZ-R1	Oppose in part	Delete SVZ-R1 4iv and replace to allow residential buildings of no more than 200 m <sup>2</sup> in Gross Ground Floor Area per site with any new building not exceeding 100 m <sup>2</sup> Gross Ground Floor Area per site.
Zoning Map 155	Oppose	Delete Coastal Settlement Zone and replace with Special Purposes Scenic Visitors Zone
Settlement Zone Chapter	Oppose	Amendments to remove Punakaiki Village from this chapter

Additional reasons

Punakaiki Village is one of the three areas within Te Tai o Poutini identified as providing unique tourism and scenic qualities and are of strategic importance to achieving tourism outcomes. This should be reflected in the strategic objective for tourism.

SVZ-O1 and SVZ-P1 provide an appropriate management response to this, but are not implemented through the associated policies, rules and zoning for Punakaiki Village (that area to the north of Dolomite Point and south of Pororari River).

The existing character of this area is an intertwined mix of tourism (Hotel, motel, campground, houses for hire) and residential (dominated by batches) activities, generally with a built form reflecting the original characteristics of the Village. The Coastal Settlement Precinct (SETZ-PREC3) does not provide an appropriate management framework for Punakaiki Village and implement the Proposed Plan's objectives and policies for the Village. The effect of the Proposed Plan approach is to de-emphasize the importance of Punakaiki Village's mixed use development.

The SVZ provide a more comprehensive management framework, but further amendments are required to provide the appropriate management of the residential component of Punakaiki Village.

### 3. Natural Hazards

#### Summary of reasons

The approach to natural hazards as it applies to Punakaiki Village are inappropriate. They do not allow for the reasonable use of land and buildings within the Village, and will ultimately result in stagnation of the Village through planning blight.

Given the character of Punakaiki Village there is very limited potential for material increase in the consequences of natural hazards through development and redevelopment. An overly strict approach, as proposed, is not warranted.

Some provision for the use and development within the Punakaiki Village can be provided for, while still controlling any gross change in hazard consequences. This can be achieved outside of the overlay rules by placing reliance on appropriate Special Purposes Scenic Visitors Zone provisions.

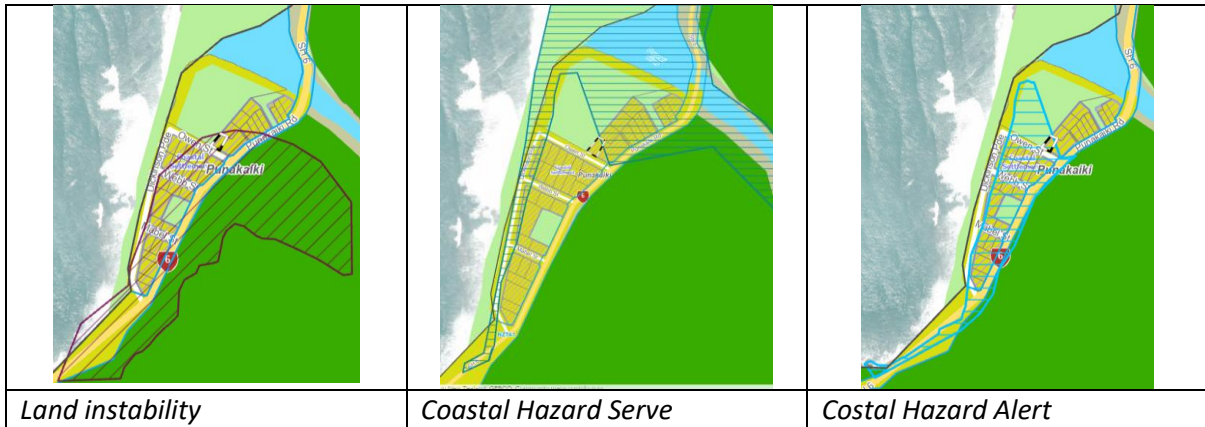
Specific provision should be made for the continued management and development of hazard mitigation structures for Punakaiki Village, recognising the existing investment in, and the character of, the present coastal defence wall.

#### Specific provisions, Support or Oppose, Decision Sought

<i>Provision</i>	<i>Support or Oppose</i>	<i>Decision Sought</i>
Natural Hazard Map 34: Coastal Hazard Severe	Oppose	Remove from that part of 11 Owen Street that it overlays
Natural Hazard Map 34: Coastal Hazard Alert	Support in Part	Retain provisions and apply to all of 11 Owen St
Natural Hazard Map 34: Land instability	Oppose	Remove from 11 Owen Street and map as per current mapped as per Rockfall Hazards in operative Buller District Plan
NH-R1	Oppose in part	Exclude Punakaiki Village from this rule or if the rule is retained: <ul style="list-style-type: none"> <li>a. delete condition 2</li> <li>b. align condition 5 with the SVZ permitted activity rules</li> </ul>
NH-R2	Support	Retain
NH-R3	Oppose in part	Delete condition 4
NH-R33	Oppose	In relation to Punakaiki Village, delete this rule.
NH-R34	Oppose	In relation to Punakaiki Village, delete this rule.
NH-R38	Oppose	In relation to Punakaiki Village, delete this rule.
NH-R40	Oppose	In relation to Punakaiki Village, delete this rule.
NH-R41	Oppose	In relation to Punakaiki Village, delete this rule.
NH-43	Oppose	In relation to Punakaiki Village, delete this rule.

Additional reasons

Map 34 of the Proposed Plan Natural Hazards is insufficient to understand the application of the various hazards to Punakaiki Village. The electronic mapping (see below) does not allow the location of the overlay boundaries to be determined on the ground as there is no discernible topographic or legal feature, as such are uncertain and in capable of consistent administration.



Specifically the land instability mapping does not align with the existing mapping and no new assessment is provided to support this change (see existing mapping below).



It is unclear how the Hazard overlay rules relate to each other and the zone and precinct rules, sometimes providing inconsistent, incoherent and inappropriate regulation.

#### 4. Sites and Areas of Significance to Māori

##### Summary of reasons

Two cultural overlays apply to Punakaiki Village, but no regulation results. This approach is supported.

##### Specific provisions, Support or Oppose, Decision Sought

<i>Provision</i>	<i>Support or Oppose</i>	<i>Decision Sought</i>
Chapter SASM	Support non-regulatory approach to Punakaiki Village	Retain non-regulatory approach to SASM31 and Pounamu Management Area as it relates to Punakaiki Village

#### 5. Natural Features and Landscape

##### Summary of reasons

Punakaiki Village is a highly modified environment. It is neither an outstanding natural landscape nor feature. The Proposed Plan, and the underlying justifications recognise this. This is appropriate.

##### Specific provisions, Support or Oppose, Decision Sought

<i>Provision</i>	<i>Support or Oppose</i>	<i>Decision Sought</i>
Schedule Five outstanding natural landscapes	Support in part	Do not schedule land within Punakaiki Village
Schedule Six outstanding natural features	Support in part	Do not schedule land within Punakaiki Village

##### Reasons

Map 155 of the Proposed Plan Environmental and Cultural Values is insufficient to understand the application of the natural character and landscape overlays to Punakaiki Village. From the electronic mapping it is apparent that the Outstanding Landscape boundary falls to the east of Punakaiki Village (see below). This is appropriate recognising the settlement character of the Punakaiki Village.



Outstanding Landscape

No Outstanding Natural Features appear.

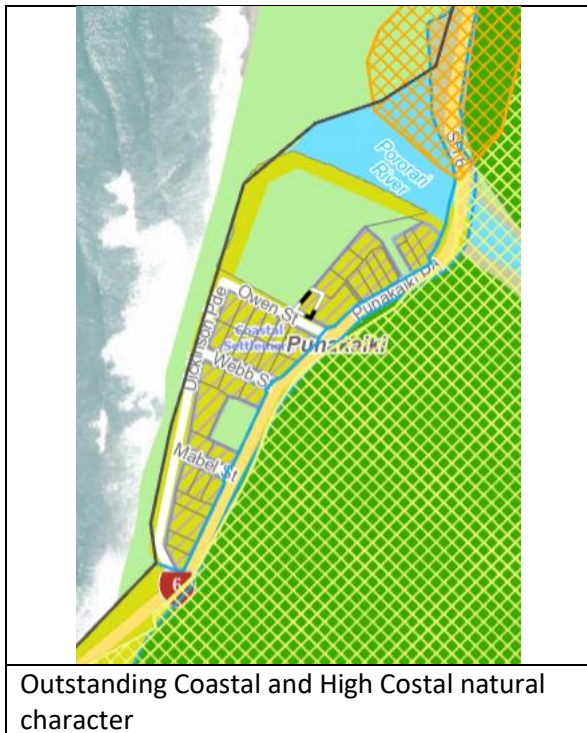


## 6. Coastal Environment

### Summary of reasons

Punakaiki Village is within the Coastal Environment. Given its character it results in an existing localised modification to the values of that environment. Recognising this modification, Punakaiki Village should be managed through the SVZ provisions, not coastal environment provisions.

Punakaiki Village is specifically excluded from the high and outstanding natural character (see below). This is appropriate.



### Specific provisions, Support or Oppose, Decision Sought

<i>Provision</i>	<i>Support or Oppose</i>	<i>Decision Sought</i>
Schedule Seven high coastal natural character	Support in part	Do not schedule land within Punakaiki Village
Schedule Eight outstanding coastal natural character	Support in part	Do not schedule land within Punakaiki Village
CE-R1 to CE-22 inclusive	Oppose	Do not apply these rules to Punakaiki Village

#### 4. Settlement Zone

##### Summary of Reasons

If the land in the Punakaiki Village is not rezoned Special Purposes Scenic Visitors Zone (SVZ). Then amendments are required to the Settlement zone to provide for a mix of complementary functions and activities in this village, its existing character and the importance of it being able to continue to adapt.

In particular for Punakaiki the control on visitor accommodation, home businesses and buildings are unnecessarily restrictive, given the scale and nature of the activities that exist within the Punakaiki Village. A number of the conditions in the rules are unnecessarily restrictive and do not recognise the current character in Punakaiki, particularly where people do not reside permanently.

In relation to buildings it is important that the provisions in the settlement zone do not mean that the ability to rebuild existing buildings provided under the natural hazard rules are rendered ineffectual. The rules enabling rebuilding should take precedence over the zone rules.

##### Specific provisions, Support or Oppose, Decision Sought

<i>Provision</i>	<i>Support or Oppose</i>	<i>Decision Sought</i>
SET-R1(i)(a)	Support	Retain provision providing the ability to utilise smaller sites which have been lawfully established.
SET-New Rule	Insert a new rule	Insert a new rule within the Settlement Zone which makes it clear that the rights provided for in NH-R1 and NH-R39 as modified by the submission are enabled within the Settlement Zone. The new rule could read SET-R* Reconstruction and Replacement of Lawfully Established Buildings: Activity Permitted Any activity provided for in Rule NH-R1 or NH-R38 is a permitted activity and other rules in the Settlement Zone do not apply to these activities.  Note Conditions NH-R1(2) and NH-R38(2)(a) are not supported and are sought to be deleted.
SET-R9 Home Business	Oppose in part	Delete the word “permanently” from condition 3(ii)(b).
SET-R10 Residential Visitor Accommodation	Oppose in part	Delete conditions 1, 3 and 7