

Te Tai o Poutini Plan

1. Planning Summary Statement

General District Wide Matters:

Light – Ngā Rama

Earthworks - Te Huke Whenua

Temporary Activities – Ngā Mahi Taupua



Te Tai o Poutini
PLAN

A combined district plan for the West Coast

Introduction

1. Tena koutou. My name is Briar Alayne Belgrave. I am an independent planning consultant from Barker & Associates. My credentials are outlined in the relevant s42A report and I will not repeat these here.
2. My s42A report covers the Earthworks, Light, and Temporary Activities chapters, being three of the chapters located in the General District Wide Matters section of the Plan. Other general district wide chapters are being reported on separately.
3. The submissions received were largely supportive of the resource management approach, and the majority of submissions were focussed to matters of detail in relation to the wording of the proposed objectives, policies, rules, and related definitions.
4. I'll provide an overview of the key recommended amendments in response to submissions as well as my opinion of what the main outstanding matters are. I've also reviewed all written evidence that has been filed; based on that evidence, my opinion on a number of matters has changed from what is detailed in the original section 42A report. I can summarise those changes after this overview if that is helpful, otherwise they are also set out in detail in the section 42A addendum report.
5. A number of corrections have also been identified to the recommend plan provisions and the recommendations to submission and further submissions. These are also shown in the addendum report and its attachments.
6. Unless it is specifically detailed in the addendum report, my opinion has not changed in response to the written evidence, and the recommendations in the section 42A report still stand.
7. I'll now provide a summary of the recommended provisions in response to submissions.

Earthworks

8. A large number of submissions and evidence filed were focussed on the Earthworks chapter. The provisions manage earthworks and their effects within various zones, as well as the National Grid Yard.
9. In response to submissions, I supported a number of amendments that I consider will improve the effectiveness and efficiency or clarity of the provisions. These include:
 - a. A maximum threshold for earthworks in the Natural Open Space Zone to recognise the potential for works in this zone to create adverse effects on natural environment values or characteristics; **and**
 - b. A new rule to manage earthworks in the National Grid Yard.
10. Following the additional amendments recommended in response to evidence, the key outstanding matters for earthworks from submissions are:
 - a. The appropriate permitted quantity and depth of earthworks; **and**
 - b. The inclusion of the terms 'critical infrastructure' versus 'regionally significant infrastructure'.
11. In terms of infrastructure, a submission was made by Manawa Energy to amend 'critical infrastructure' to 'regionally significant infrastructure' under Rule 2. I am supportive of this change on the basis that the new term is consistent with the RPS. The appropriate terminology is also addressed by Westpower in their evidence.
12. However, my understanding is that this matter was considered under Hearing topics 1 and 2, and will be heard in greater detail under the Energy, Infrastructure, and Transport topic. Once a decision is made on the appropriate term, the Earthworks chapter should be updated to align with this, including any consequential amendments.

Light

13. In relation to lighting, the provisions provide for and manage the effects of artificial lighting.
14. My recommendations on these provisions were informed by the technical evidence provided by Paul Wilson as well as further planning evaluation.
15. I would note that overall, when compared to the operative district plan provisions, the proposed light provisions under the Plan align the management of lighting and maximum permitted lux levels with best practice guidelines. If it is helpful for the panel, Mr Wilson can provide a brief summary of his evidence as well.
16. The main amendments I support in response to submissions relate to simplifying the light provisions and recognising the anticipated character and amenity values within each zone, as well as the functional and operational requirements of activities.
17. Firstly, a number of submitters considered that the lighting provisions are complicated and restrictive. Although the management of light and light spill is technical in nature, I do support a number of amendments to simplify the provisions. This is primarily by removing duplication with standard AS/NZ 4282 which sits outside of the District Plan. This will also improve the assessment and enforceability of permitted activity standards in practice.
18. I also supported amendments to the matters of discretion contained in LIGHT-R5 to recognise the functional or operational needs of an area or activity. I consider that these amendments are necessary to recognise the purpose of respective zones, and that expectations for amenity values will vary.
19. However, I do not agree that the inclusion of considerations for locational or technical considerations as requested through submissions and evidence are necessary as these matters are inherently included in the definition of functional and operational needs.
20. In my opinion, the key remaining outstanding lighting matters relate to:
 - a. The inclusion of provisions that are consistent with the requirements of the Dark Skies Park Designation provided by DarkSky International, for locations at Punakaiki, Barrytown Flats, and Okarito; **and**
 - b. Whether the permitted lux limits across various zones are appropriate. I acknowledge that a number of submitters sought for more enabling controls, including in the General Rural and Special Purpose Mineral Extraction zones.

Temporary Activities

21. And lastly, the Temporary Activities chapter. This chapter manages a range of temporary activities, and includes provisions for freedom camping on land adjacent to the State Highway Network. This is because land in that location is not subject to the Freedom Camping Bylaws of the three District Councils. For clarity, I note that all other freedom camping activities across the districts is managed under the respective bylaw.
22. I supported a number of amendments to the temporary activity provisions in response to submissions, including:
 - a. Amendments to Objective 1 to recognise that it is appropriate to manage the potential adverse effects of temporary activities; and
 - b. Amendments to Rule 1 to enable temporary and military training activities and emergency management training to occur over a period of 31 consecutive days.
23. Following the additional amendments to the Temporary Activity provisions in response to evidence, this leaves only minor matters of detailed wording to be resolved. These relate to:
 - a. The deletion of the term and definition for 'freedom camping' and instead relying on the relevant bylaw.

- b. Amendments to the definition of 'temporary activities'; **and**
- c. The inclusion under TEMP-R1 to provide for activities that do not comply with the standards but have obtained written approval from Ngāi Tahu as permitted. Whilst I agree that this can be an efficient and effective method to undertake military and emergency management training activities, I believe there are legal matters that need to be resolved, including the lawfulness of reserving discretion to a third party as to whether an activity is permitted under this rule.

I understand there are a number similar provisions included in the Sites and Areas of Significance to Māori chapter, and recommend that any amendments to the Temporary Activities chapter are made to be consistent with this chapter following the relevant hearing.

Other Matters

- 24. Lastly, there are outstanding matters which apply across the three General District Wide chapters. Ngāi Tahu has sought for the inclusion of 'Poutini Ngāi Tahu values' as a matter of discretion or control across a number of rules and Policy 3 of the Light chapter.
- 25. I understand this matter was also raised in Hearing topics 1 and 2.
- 26. I retain reservations in relation to the wording that has been sought, particularly in terms of what Poutini Ngāi Tahu values are when considering a restricted discretionary or controlled activity under these rules.
- 27. It would therefore be helpful to hear, and I would be interested in hearing Ngāi Tahu set out in the presentation of their evidence, how these matters would work in practice, and how they would be applied by plan users, including resource consent decision makers and applicants.
- 28. Finally, should Ngāi Tahu pursue the amendments sought to Light Policy 3, it would be helpful to hear the scope to make this change as, to my understanding, this matter was not raised in their primary submission. Notwithstanding matters of scope, I retain reservations in relation to the inclusion of the wording sought for those same reasons.

Close

- 29. Those were the key matters for these three chapters covered in the s42a report. As mentioned, I am happy to take the panel through the additional changes I recommend in response to my position changing based on written evidence.
- 30. Thank you.