

Appendix One Table of submission points and changes sought

Natural Character and the Margins of Waterbodies- Ngā Āhua me ngā Mahi ka Noho Hāngai ki ngā Hopua Wai

Topic	Submission	Reasons	D-G submission	S42A recommendation	A Young NFL evidence changes sought
Overview	Support with Amendments	Amend the overview to make it explicit that the Te Tai o Poutini also manages activities on the surface of waterbodies.	<p>Amend paragraph 2 of the overview:</p> <p><i>...Under section 31 of the RMA district councils are responsible for the management of activities on land, including the margins of waterbodies. <u>The Te Tai o Poutini also manages activities on the surface of waterbodies.</u> The West Coast Regional Council has responsibility for the management of wetlands, lakes and rivers, including land uses in the beds of rivers. This section of Te Tai o Poutini Plan focuses on the natural character of the margins of wetlands, lakes, and rivers thereby avoiding duplication with Regional Council functions....</i></p>	<p>Overview Waterbodies and their margins are an important part of the West Coast/Te Tai o Poutini Waterbodies are connected (Ki uta ki taifrom the mountains to the sea) and have important values, including for biodiversity, cultural, <u>recreational</u> 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. <u>Natural Character and the margins of waterbodies require protection as a matter of national importance under Section 6(a) of the RMA. Te Tai o Poutini Plan also manages activities on the surface of waterbodies.</u></p> <p>The West Coast Regional Council has responsibility for the management of wetlands, lakes and rivers, including land uses in the beds of rivers. This section of Te Tai o Poutini Plan focuses on the natural character of the margins of wetlands, lakes, and rivers thereby avoiding duplication with Regional Council functions.</p> <p>The three district councils work with the West Coast Regional Council and Poutini Ngāi Tahu to ensure waterbodies are managed in an integrated way.</p> <p>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.</p> <p>Rivers, streams, lakes and wetlands have important ecological, natural character, recreational and hydrological values. They provide important habitat for native plants, fish, birds, lizards, frogs, insects and aquatic and terrestrial macroinvertebrate aquatic life and opportunities for access to and along waterways.</p>	Support amendments in S42A report

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				<p><u>Some waterbodies (both natural and artificial) also form an important resource for the generation of hydroelectricity which contributes to the wellbeing of people and communities.</u></p> <p>The National Policy Statement for Freshwater Management 2020 (NPSFM) guides decision-making regarding the freshwater resources of New Zealand/Aotearoa. In particular the councils must have regard to its objectives and policies in consent decision-making.</p> <p>The National Environmental Standard for Freshwater Management 2020 (NESFM) has specific rules which relate to freshwater, in particular as relate in relation to activities in the margins of freshwater wetlands. <u>These rules relate to the regional functions of the West Coast Regional Council and are administered by that organisation. The provisions in Tai o Poutini Plan have been developed considering the NESF and what additional provisions are required to fulfil the statutory functions of the district councils in relation to natural character of waterbodies. The Tai o Poutini Plan provisions in relation to riparian margins of wetlands only relate to wetlands in the coastal marine area to avoid duplication with the NESF.</u></p>	
NC-O1	Support with amendments	Support Objective NC - O1 with amendments to ensure the effects management hierarchy is applied to appropriately manage adverse effects to protect the natural character of waterbodies and their margins in accordance with Section 6(a) of the Act.	<p>Amend objective NC-O1:</p> <p><i>To preserve the natural character of lakes, rivers and wetlands and their margins while <del>providing for</del> allowing appropriate subdivision, use and development where adverse effects can be <del>avoided or mitigated</del> appropriately managed in accordance with the effects management hierarchy.</i></p>	NC – O1 To preserve the natural character of lakes, rivers and wetlands and their margins while <del>providing for</del> allowing appropriate subdivision, use and development where adverse effects can be <del>avoided or mitigated</del> <u>appropriately managed in accordance with the effects management hierarchy.</u>	Support amendments in S42A report
NC - O2	Support	Support Objective NC-O2 as it appropriately recognises and provides for the relationship of Poutini Ngāi Tahu with the margins of waterbodies.	Retain Objective NC-O2 in its entirety.	No changes proposed	N/A

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NC - O3	Support with amendments	Amend objective NC-O3 so that it is more directive, and uses language that better accords with the Act.	Amend Objective NC-O3:  <i>To provide for activities which have a functional need to locate in the margins of lakes, rivers and wetlands <del>in such a way that the impacts</del> while ensuring adverse effects on natural character are minimised.</i>	NC – O3 To provide for activities which have a functional <u>or operational</u> need to locate in the margins of lakes, rivers and wetlands <del>in such a way that the impacts</del> while ensuring adverse effects on natural character are minimised.	NC – O3 To provide for activities which have a functional <del>or operational</del> need to locate in the margins of lakes, rivers and wetlands <del>in such a way that the impacts</del> while ensuring adverse effects on natural character are minimised.
NC - P1	Support with amendments	Strengthen the intent of Policy NC-P1 by clarifying that subdivision and land use must be of a form and scale that is compatible with the natural character of riparian margins.	Amend Policy NC-P1:  <i>Minimise the adverse effects of activities on the natural character of the riparian margins of lakes, rivers and wetlands by ensuring that subdivision and land use <u>is of a form and scale that maintains the elements, patterns and processes that contribute to their natural character.</u></i>	NC – P1 Minimise the adverse effects of activities on the natural character of the riparian margins of lakes, rivers and wetlands by ensuring that subdivision, <u>development</u> and land use <u>is of a form and scale that</u> maintains the elements, patterns and processes that contribute to their natural character, <u>r</u> and <u>maintains or enhances public access.</u>	Support amendments in S42A report
NC - P2	Support with amendments	Strengthen the intent of Policy NC-P2 by replacing ‘provide for’ with the term ‘allow’ as this language is enabling and indigenous vegetation removal and earthworks within riparian margins should only be allowed for these activities where the adverse effects can be appropriately managed to protect the natural character of waterbodies and their margins in accordance with Section 6(a) of the Act.	Amend Policy NC-P2:  <i><del>Provide for</del> Allow indigenous vegetation removal and earthworks within riparian margins of lakes, rivers and wetlands where significant adverse effects on natural character are minimised as far as practicable and:</i>  <i>a. It is for the purpose of natural hazard mitigation; or</i> <i>b. It is for the maintenance, repair, upgrade and extension of network utilities and infrastructure including the national grid; or</i> <i>c. It is for the establishment, operation, maintenance or</i>	NC – P2 <del>Provide for</del> <u>Allow</u> indigenous vegetation removal and earthworks within riparian margins of lakes, rivers and wetlands where  1. <u>This is located outside of a significant natural area, and</u>  2. <del>Significant</del> <u>Significant</u> adverse effects on natural character are <del>minimised</del> <u>avoided, remedied or mitigated</u> as far as practicable;  and:  a. It is for the purpose of natural hazard mitigation; or	Support amendments in S42A report

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			<p><i>upgrading of renewable electricity generation structures or infrastructure where this has a functional or operational need to be located in a riparian margin; or</i></p> <p><i>d. It is for Poutini Ngāi Tahu cultural purposes; or</i></p> <p><i>It is for the repair and maintenance of legally established structures; or</i></p> <p><i>f. The activity has a functional or operational need to be located adjoining a waterbody.</i></p>	<p>b. It is for the maintenance, repair, upgrade and extension of network utilities, <u>energy activities</u> and infrastructure including the national grid; or</p> <p>c. It is for the establishment, operation, maintenance or upgrading of renewable energy generation structures or infrastructure where this has a functional or operational need to be located in a riparian margin; or</p> <p>d. It is for Poutini Ngāi Tahu <del>cultural purposes</del> <u>Activities or Māori Purpose Activities in accordance with an Iwi/Papatipu Rūnanga Management Plan</u>; or</p> <p>e. It is for the repair and maintenance of legally established structures; or</p> <p>f. The activity has a functional or operational need to be located adjoining a waterbody</p>	
NC - P3	Support	Support Policy NC-P3 which seeks to provide for buildings and structures within riparian margins only where there is a functional need and natural character is not adversely affected, as this suitably protects the naturel character of these areas from inappropriate use and development.	Retain Policy NC-P3 in its entirety.	<p>NC – P3 Provide for buildings and structures within riparian margins of lakes, rivers and wetlands where these: a. Have a functional need or <u>operational need</u> for their location; and</p> <p>b. They are of a form and scale that will not adversely <del>effect</del> <u>affect</u> the natural character of the riparian area.</p>	<p>Oppose the inclusion of ‘operational need’.</p> <p>NC – P3 Provide for buildings and structures within riparian margins of lakes, rivers and wetlands where these: a. Have a functional need <del>or operational need</del> for their location; and</p> <p>b. They are of a form and scale that will not adversely <del>effect</del> <u>affect</u> the natural character of the riparian area.</p>

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NC - P4	Support	Support Policy NC-P4 which seeks to encourage the restoration and enhancement of the natural character of the riparian margins of lakes, rivers and wetlands.	Retain Policy NC-P4 in its entirety.	<p>NC – P4 Encourage the restoration and enhancement of the natural character of the riparian margins of lakes, rivers and wetlands <u>including pest plant and pest animal control.</u></p> <p>Advice Notes:</p> <p><u>1. The Objective and Policy in the Public Access Chapter should also be considered when assessing resource consents in relation to activities in the margins of waterbodies.</u></p> <p><u>2. This policy should be considered through the resource consenting process alongside Policy FC – P6 and also Rule FC – R12 which provide for financial contributions for offsetting and compensation.</u></p>	Support amendments in S42A report
NC - R2 Buildings and Structures within the Riparian Margin of a River, Lake or Wetland	Oppose	Oppose Rule NC-R2 and amend it as a number of these activities can all have adverse effects on the environment that should be assessed through a resource consent application so appropriate conditions can be imposed if required, and the application can be declined if adverse effects are significant and/or the application is contrary to the provisions of the statutory documents.	<p>Amend Rule NC - R2:</p> <p><i>Activity Status Permitted</i></p> <p><i>1. Where the buildings and structures are:</i></p> <p><i>a. Network utilities;</i></p> <p><i>b. Temporary whitebait stands;</i></p> <p><i>c. Environmental monitoring facilities;</i></p> <p><i>d. Parks facilities and parks furniture within an Open Space and Recreation Zone;</i></p> <p><i>e. Natural hazard mitigation structures constructed by a statutory agency or their nominated contractor; or</i></p> <p><i>f. Renewable electricity generation facilities where these have a functional need to locate within the riparian margin; or</i></p> <p><i>g. Stormwater discharge structures and water supply</i></p>	<p>NC – R2 Buildings and Structures within the Riparian Margin of a River, Lake or Wetland</p> <p>Activity Status Permitted</p> <p>1. Where the buildings and structures <u>have a functional or operational need to locate in the riparian margin and</u> are:</p> <p>a. Network utilities, <u>including energy activities and infrastructure;</u></p> <p>b. Temporary whitebait stands <u>and temporary mai mai for game bird hunting provided these are removed within 2 weeks of the end of the game bird season;</u></p> <p>c. Environmental monitoring facilities;</p> <p>d. Parks facilities and parks furniture within an Open Space and Recreation Zone;</p> <p>e. Natural hazard mitigation structures constructed by a statutory agency or their nominated contractor; or</p> <p>f. Renewable energy generation facilities <del>where these</del> <u>have a functional or operational need to locate within the riparian margin; or</u></p>	<p>NC – R2 Buildings and Structures within the Riparian Margin of a River, Lake or Wetland</p> <p>Activity Status Permitted</p> <p>1. Where the buildings and structures <u>have a functional or operational need to locate in the riparian margin and</u> are:</p> <p><del>a. Network utilities, including energy activities and infrastructure;</del></p> <p>b. Temporary whitebait stands <u>and temporary mai mai for game bird hunting provided these are removed within 2 weeks of the end of the game bird season;</u></p>

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			<p><del>intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure.</del></p> <p>Advice Note: Rules in other Overlay Chapters particularly Historic Heritage, Sites and Areas of Significance to Māori, Natural Hazards and Natural Features and Landscapes may also apply in these locations.</p> <p>Activity status where compliance not achieved: Discretionary</p>	<p>g. Stormwater discharge structures and water supply intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure; <u>or</u></p> <p><u>h. Temporary bridges constructed as part of a temporary military training activity; or</u></p> <p><u>i. Pump sheds</u></p> <p>Advice Note: Rules in other Overlay Chapters particularly Historic Heritage, Sites and Areas of Significance to Māori, Natural Hazards and Natural Features and Landscapes may also apply in these locations</p>	<p>c. Environmental monitoring facilities;</p> <p><del>d. Parks facilities and parks furniture within an Open Space and Recreation Zone;</del></p> <p><del>e. Natural hazard mitigation structures constructed by a statutory agency or their nominated contractor; or</del></p> <p><del>f. Renewable energy generation facilities where these have a functional or operational need to locate within the riparian margin; or</del></p> <p><del>g. Stormwater discharge structures and water supply intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure; or</del></p> <p><del>h. Temporary bridges constructed as part of a temporary military training activity; or</del></p> <p><del>i. Pump sheds</del></p> <p>Advice Note: Rules in other Overlay Chapters particularly Historic</p>

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					<p>Heritage, Sites and Areas of Significance to Māori, Natural Hazards and Natural Features and Landscapes may also apply in these locations.</p> <p>The following activities should be discretionary restricted activities in accordance with rule NC-R4:</p> <ul style="list-style-type: none"> <li>Network utilities;</li> <li>• Parks facilities</li> <li>• Natural hazard mitigation structures constructed by a statutory agency or their nominated contractor;</li> <li>• Renewable electricity generation facilities where these have a functional need to locate within the riparian margin;</li> <li>• Stormwater discharge structures and water supply intake structures constructed in accordance with NZS 4404 Code of Practice for Land Development and Subdivision Infrastructure</li> </ul>

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NC - R3 New Natural Hazard Mitigation Structures	Oppose	Oppose Rule NC - R3 for the same reasons provided in DOCs submission to Rule NC-R2 above.	Delete Rule NC-R3 in its entirety.	<del>NC – R3 New Natural Hazard Mitigation Structures Activity Status Permitted Where 1. These are constructed by a Statutory Agency or their authorised contractor.</del>	Support amendments in S42A report
All other NC provisions	Neutral	DOC is neutral as these do not affect priority conservation values, biodiversity values, or DOC's interests..	N/A	N/A	
NC – R5 Natural Hazard Mitigation Structures not meeting the Permitted Activity Rules	Oppose	Delete Rule NC – R5 as a consequential amendment to DOCs submission on NC – R3 above.	Delete Rule NC-R5 in its entirety.	NC – R53 Natural Hazard Mitigation Structures within the Riparian Margin of a River, Lake or Wetland not meeting Permitted Activity Standards  Activity Status <u>Restricted</u> Discretionary  <u>Matters of Discretion</u>  <u>1. Design and location of the structure</u>  <u>2. Visual impact of the structure</u>  <u>3. Methods to avoid, remedy or mitigate adverse effects on natural character or public access.</u>	Support amendments in S42A report