

Te Tai o Poutini Plan

Section 42A Officer's Report

Introduction and General Provisions



Te Tai o Poutini
P L A N
A combined district plan for the West Coast

Table of Contents

LIST OF SUBMITTERS AND FURTHER SUBMITTERS ADDRESSED IN THIS REPORT	4
ABBREVIATIONS	8
1.0 PURPOSE OF REPORT	8
2.0 QUALIFICATIONS AND EXPERIENCE.	8
2.1 CODE OF CONDUCT	9
2.2 CONFLICT OF INTEREST	9
3.0 SCOPE OF REPORT AND TOPIC OVERVIEW	9
3.1 INTERPRETATION SECTION	9
4.0 STATUTORY REQUIREMENTS.....	14
4.1 LOCAL GOVERNMENT REORGANISATION SCHEME (WEST COAST REGION) ORDER 2019	14
4.2 NATIONAL PLANNING STANDARDS 2019.....	14
4.2.1 Application of the 'Structure, Format and Content' Standards.....	15
4.2.2 Application of the Zone Framework, Spatial Layers and Mapping Standards.....	15
4.2.3 Application of Definition Standard	15
4.2.4 Compulsory Content.....	15
4.3 PROCEDURAL MATTERS.....	16
5.0 CONSIDERATION OF SUBMISSIONS RECEIVED	16
5.1 OVERVIEW OF SUBMISSIONS RECEIVED	16
5.2 STRUCTURE OF THIS REPORT	16
6. GENERAL SUBMISSIONS ON TTPP AND CROSS PLAN ISSUES	17
6.1 SUBMISSIONS SEEKING THAT THE PLAN BE WITHDRAWN.....	17
6.2 SUBMISSIONS SUPPORTING THE PLAN AS A WHOLE	20
6.3 SUBMISSIONS SEEKING THAT THE PLAN BE SIMPLIFIED.....	21
6.4 SUBMISSIONS SEEKING BETTER PLAN INTEGRATION.....	24
6.5 SUBMISSIONS ON THE USE OF TE REO AND MĀORI REFERENCES IN THE PLAN.....	29
6.6 OTHER AMENDMENTS SOUGHT TO PROVISIONS ACROSS THE WHOLE PLAN	31
6.7 SUBMISSIONS SEEKING A GREATER WEIGHT ON ECONOMIC GROWTH AND SOCIAL OUTCOMES.....	44
6.8 SUBMISSIONS IN RELATION TO LEGAL ASPECTS OF THE PLAN	46
7. GENERAL SUBMISSIONS ON THE PLANNING MAPS	48
8 SUBMISSIONS ON THE INTRODUCTION SECTION	55
8.1 SUBMISSIONS ON THE MIHI SECTION	55
8.2 SUBMISSIONS ON THE DESCRIPTION OF THE DISTRICTS SECTION	56
9. SUBMISSIONS ON THE HOW THE PLAN WORKS CHAPTER.....	58
9.1 SUBMISSIONS ON THE STATUTORY CONTEXT	58
9.2 GENERAL APPROACH.....	63
9.3 SUBMISSIONS ON CROSS BOUNDARY MATTERS	67
9.3 SUBMISSIONS ON RELATIONSHIPS BETWEEN SPATIAL LAYERS.....	70
10. SUBMISSIONS ON THE ABBREVIATIONS.....	76
11. SUBMISSIONS ON THE GLOSSARY	77
11.1 GENERAL SUBMISSIONS ON THE GLOSSARY.....	77
11.2 SUBMISSIONS ON SPECIFIC TERMS IN THE GLOSSARY.....	78
12. SUBMISSIONS ON THE DEFINITIONS.....	79
12.1 DEFINITIONS CHAPTER IN GENERAL	79
12.1 NATIONAL PLANNING STANDARDS DEFINITIONS	80
12.3 TTPP SPECIFIC DEFINITIONS.....	87
12.4 NEW DEFINITIONS.....	103

13. SUBMISSION ON THE NATIONAL DIRECTION INSTRUMENTS.....	107
14. SUBMISSIONS ON THE TANGATA WHENUA CHAPTER.....	109
14.1 SUBMISSIONS ON THE CHAPTER AS A WHOLE.....	109
14.2 TE TANGATA WHENUA.....	109
15. SUBMISSION ON APPENDICES FIVE AND SIX	117
16. S32AA EVALUATION FOR ALL RECOMMENDED AMENDMENTS	118
17. CONCLUSION.....	118

List of Submitters and Further Submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
S159	A Breen & L Breen	
S199	Alain Daunes	
S30	Alan Greig	
FS120	Annabel Gossett	
S324	Annabel Boland	
S425	Anne Chapman	
S578	Anthony Eden	
S349	Ara Poutama Aotearoa, Department of Corrections	
S510	Avery Bros	
S609	Avery Brothers	
S491, FS89	Bathurst Resources Limited and BT Mining Limited	Bathurst Resources
S504	Bert Hofmans	
S405	Betty Harris	
S601	Birchfield Coal Mines Ltd	
S604, FS150	Birchfield Ross Mining Limited	
S511	Bradshaw Farms	
S513	Brett Avery	
S576	Brian Anderson	
S603	BRM Developments Limited	
S552, FS224	Buller Conservation Group	
S538, FS149	Buller District Council	
S451, FS138	Buller Electricity Limited	
S557	Cape Foulwind Staple 1 Ltd	
S564	Catherine Smart-Simpson	
S558	Chris & Jan Coll	
S566, FS151	Chris J Coll Surveying Limited	
S362	Chris Reynolds	
S444	Clare Backes	
S581	David Ellerm	
S65	David Moore	
S83	David Morris	
S465, FS154	Davis Ogilvie & Partners Ltd	
S196	Deborah Amies	

S602, FS122	Department of Conservation	
S484	Development West Coast	
S524	Federated Farmers of New Zealand	
S573	Fire and Emergency New Zealand	
S478	Frank and Jo Dooley	
S553, FS223	Frida Inta	
S613	Fuel Companies	
S273	G.T Farms Ltd	
S407	Gail Dickson	
S358	Garry Howard	
S563	Geoff Volckman	
S304	Gina Hogarth	
S571	Greg Maitland	
S608, FS1	Grey District Council	
S562	Groundswell NZ	
S534	Hadley Mills	
S374	Helen & Graeme O'Dea	
S209	Helen Carter	
S140, FS111	Heritage New Zealand Pouhere Taonga	HNZPT
S486, FS55	Horticulture New Zealand	
S462, FS33	Inger Perkins	
S310	Ingrid Mesman	
S262	Jane Neale	
S594	Janie Cook	
S508	Jared Avery	
S618	Joan Kallmann	
S213	Joanne and Ken Dixon	
S31	John Davidson	
FS58	Kainga Ora – Homes and Communities	
S614	Karamea Lime Company	
S473	Katherine Gilbert	
FS68	Katherine Crick	
S276	Kevin Klempel	
FS40	Kim Marie Scrivener	
S442	KiwiRail Holdings Limited	
S577	Koiterangi Lime Co LTD	
S509	Kyle Avery	

S421	Lara Kelly	
S574	Laura Coll McLaughlin	
S507	Leonie Avery	
S505	Lindy Millar	
S359	Loraine and Kirk Haworth	
S35	Louise Morgan	
S322	Lucina Brady	
S481, FS65	Lynley Hargreaves	
S438	Manawa Energy Limited	Manawa Energy
S446	Margaret Montgomery	
FS77	Marie Elder	
FS221	Martin and Lisa Kennedy	
FS144	Melissa McLuskie	
FS218	Mike Spruce	
S569	Minerals West Coast	
S456	Ministry of Education Te Tāhuhu o Te Mātauranga	Ministry of Education
S151	Misato Nomura	
FS54	Neil Mouat	
S166	New Zealand Agricultural Aviation Association	
S519, FS31	New Zealand Defence Force	
S616	New Zealand Heavy Haulage Association Inc	
S490	New Zealand Motor Caravan Association	
S500	Papahaua Resources Limited	
S605	Paparoa Track Services Ltd, Craig and Sue Findlay, Tim Findlay, Punakaiki Beach Camp Ltd	
S512	Paul Avery	
FS75	Paul Ewell-Sutton	
S32	Paul Kerridge	
S281	Pete McDonnell	
S615	Peter Langford	
S44	Peter Dawson	
S417	Peter Haddock	
S606, FS215	Phoenix Minerals Limited	
S348	Project and Ventures	
S523	Queenstown Lakes District Council	
S476, FS141	Radio New Zealand	
S420	Raylene Black	

S422	Rebecca Inwood	
S272	Reuben Lane	
S419	Richard Arlidge	
S378	Robert Burdekin	
FS50	Robin Alastair Nicholl	
S479	Robyn Langridge	
S474	Rocky Mining Limited	
S539	Rosalie Sampson	
S560, FS34	Royal Forest and Bird Protection Society of New Zealand Inc.	Forest & Bird
FS119	Ruth Henschel	
S483	Scenic Hotel Group	
S402	Shaun and Carissa du Plessis	
S441, FS101	Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	Silver Fern Farms
S270	Stephen Page	
S516	Steve Croasdale	
S536	Straterra	
FS35	Susan Hall	
S443	Suzanne Hills	
FS32	Tauranga Bay Holdings Ltd	
S620, FS41	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	Ngāi Tahu
S440	Te Tumu Paeroa - The office of the Māori Trustee	Te Tumu Paeroa
S13	Terry Rea	
S621, FS217	The Proprietors of Mawhera Tiamana Mawhera Incorporation	Māwhera Incorporation
S493, FS104	TiGa Minerals and Metals Limited	
FS30	Tony Michelle	
S299, FS110	Transpower New Zealand Limited	
S555	Tuwhenu Moriori Tau imi Ihi	
S447, FS117	Vance & Carol Boyd	
S450, FS62	Waka Kotahi NZ Transport Agency	Waka Kotahi
S302, FS103	West Coast Fish and Game Council	
FS45	West Coast Penguin Trust	
FS136	West Coast Regional Council	
S547, FS222	Westpower Limited	
S607	Whyte Gold Limited	

S567, FS148	William McLaughlin	
S599	WMS Group (HQ) Limited and WMS Land Co. Limited	WMS Group

Abbreviations

Abbreviation	Meaning
NPS - FW	National Policy Statement for Freshwater Management
NZCPS	New Zealand Coastal Policy Statement
TTPP	Te Tai o Poutini Plan
RMA	Resource Management Act
WCRPS	West Coast Regional Policy Statement

1.0 Purpose of Report

1. This report has been prepared in accordance with Section 42A of the RMA to:
 - assist the Hearings Panel in making their decisions on the submissions and further submissions on the TTPP; and
 - provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
2. This report responds to submissions on Part 1 – Introduction and General Provisions. The report provides the Hearing Panel with a summary and analysis of the submissions received on the TTPP in general, as well as the Introduction, How the Plan Works, Interpretation, National Direction Instruments, Tangata Whenua sections in Part 1 and Appendix Five (Statutory Acknowledgements) and Appendix Six (Nohoanga entitlements) in Part 4, and to make recommendations on either retaining the TTPP provisions without amendment or making amendments to the TTPP in response to those submissions.

2.0 Qualifications and experience.

3. My full name is Lois Margaret Easton, and I am Principal Consultant for Kereru Consultants, an environmental science and planning consultancy engaged by the West Coast Regional Council to support the development of the TTPP.
4. I hold a Master of Science (Environmental Science and Botany) with first class honours from Auckland University, Auckland which I obtained in 1995.
5. I have 25 years' experience in planning and resource management including 10 years at the Waitakere City Council and five years at the Gisborne District Council. The remaining time I have worked as an environmental and planning consultant primarily providing policy advice to local government and not for profit organisations.
6. My experience involves policy development, writing district plans and regional plans. I have written Section 32 and 42A reports and appeared at hearings for the development of several plans involving matters principally around the natural environment, Māori issues and rezoning of land. I have represented the Waitakere District Council and Gisborne District Council in mediation on appeals and have presented planning evidence.
7. In recent years I have been involved in the development of TTPP. I have either led or been a member of the planning team who developed the provisions of TTPP and s32 reports in relation to all parts of the plan.

2.1 Code of Conduct

8. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
9. I am authorized to give this evidence on behalf of the Tai o Poutini Plan Committee to the TTPP hearings commissioners (Hearings Panel).

2.2 Conflict of Interest

10. To the best of my knowledge, I have no real or perceived conflict of interest.

3.0 Scope of Report and Topic Overview

11. This report considers the submissions and further submissions that were received in relation to Part 1 – Introduction and General Provisions of the proposed TTPP.
12. Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. Recommended amendments to the Introduction and General Provisions Chapters, Appendix Five and Appendix Six are shown by way of ~~strikeout~~ and underlining. A table in this appendix outlines all other recommended changes to text within the Plan.
13. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where it is considered that an amendment may be appropriate, but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the report. Where no amendments are recommended to a provision, submission points that sought the retention of the provision without amendment are not footnoted. Appendix 2 also contains a table setting out any recommended spatial amendments to the TTPP Planning Maps.
14. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. A number of alterations have already been made to the TTPP using cl.16(2) and these are documented on the TTPP website. Where a submitter has requested the same or similar changes to the TTPP that fall within the ambit of cl.16(2), then such amendments will continue to be made and documented as cl.16(2) amendments in this s42A report.
15. The assessment of submissions generally follows the following format:
 - Submission Information
 - Analysis
 - Recommendation and Amendments

3.1 Interpretation Section

16. Regarding the Interpretation Section, not all the submissions on definitions that have been received are assessed in this s42A report. Some definitions will be considered in the topic or zone-specific s42A reports, especially where they are unique to, or closely tied to, the interpretation of provisions in that topic / zone.
17. Below, two tables have been provided to clearly lay out which definitions in TTPP are subject to submission, their source and which 'report' will consider that definition.
18. Table 1: Defined Terms included in the Part 1 – Introduction and General Provision s42A report
19. Table 2: Defined Terms NOT included in the Part 1 – Introduction and General Provision s42A report

20. The following table shows the origin of defined terms subject to submission. A TTPP definition is one that the definition is unique to TTPP. A national planning standards definition is one that is included within TTPP but the definition has been set by the national planning standards. Where a definition in the table below is underlined this indicates the definition has been proposed as a new definition by a submitter.

Table 1: Defined Terms included in the Part 1 – Introduction and General Provision s42A report

Defined Term subject to Submission	Source/Section of this report to reference
ACCESSWAY	TTPP Definition
ACTIVITY	TTPP Definition
ADDITIONS AND ALTERATIONS	TTPP Definition
AMENITY PLANTINGS	NEW Definition
BUILDING	National Planning Standards Definition
<u>BUILDING COVERAGE</u>	NEW Definition
BUILDING PLATFORM	TTPP Definition
CAMPING GROUNDS	TTPP Definition
CEMETERIES	TTPP Definition
<u>CHARACTER</u>	NEW Definition
<u>COMMUNITY</u>	NEW Definition
COMMUNITY CORRECTIONS ACTIVITY	National Planning Standards Definition
CONSERVATION ACTIVITIES	TTPP Definition
DUST	National Planning Standards Definition
EDUCATIONAL FACILITY	National Planning Standards Definition
EMERGENCY SERVICE FACILITY	TTPP Definition
<u>ENVIRONMENT</u>	NEW Definition (Defined in the RMA)
EXISTING BUILDINGS AND STRUCTURES	TTPP Definition
EXISTING USE RIGHTS	TTPP Definition
FUNCTIONAL NEED	National Planning Standards Definition
HEIGHT	National Planning Standards Definition
LAWFULLY ESTABLISHED	TTPP Definition
<u>LOCATIONAL NEED</u>	NEW Definition
MAINTENANCE	TTPP Definition
<u>MINIMISE</u>	NEW Definition
<u>OFFENSIVE INDUSTRIES</u>	NEW Definition
OPERATIONAL NEED	National Planning Standards Definition
<u>OVERLAY CHAPTER</u>	TTPP Definition
PAPATIPU RŪNANGA	TTPP Definition
PAPAKĀINGA	TTPP Definition
POUTINI NGĀI TAHU	TTPP Definition
POUTINI NGĀI TAHU ACTIVITIES	TTPP Definition
REVERSE SENSITIVITY	TTPP Definition
SENSITIVE ACTIVITY	TTPP Definition
SITE	National Planning Standards Definition
<u>SITE COVERAGE</u>	NEW Definition
<u>STAKEHOLDERS</u>	NEW Definition
<u>STATUTORY AGENCY</u>	NEW Definition
STRUCTURE	National Planning Standards Definition
<u>SUBDIVISION, USE AND DEVELOPMENT</u>	NEW Definition

<u>SUSTAINABLE DEVELOPMENT</u>	NEW Definition
<u>TINY HOMES BUILT ON TRAILERS</u>	NEW Definition
URBAN ZONE	TTPP Definition
VISITOR ACCOMMODATION	National Planning Standards Definition

21. The following definitions are also subject to submissions but will be considered in the topic specific hearing streams. Where the term is proposed by a submitter, it has been underlined, where there is no underline, the definition has been proposed as part of the TTPP. The second column identifies in which s42A Report that the term and definition and all associated submissions will be considered. Please note not all of these reports have been prepared at the time this report is published.

Table 2: Defined Terms NOT included in the Part 1 – Introduction and General Provision s42A report

Defined Term subject to Submission	Report to reference
<u>ARTIFICIAL OUTDOOR LIGHTING</u>	General District Wide Matters
AGRICULTURAL, PASTORAL AND HORTICULTURAL ACTIVITIES	Rural Zones Policies – General Rural Zone – Rural Lifestyle Zone
AIRPORT ACTIVITIES	Special Purpose Zones
<u>ANCESTRAL LAND</u>	Sites and Areas of Significance to Māori
APPROVED BUILDING PLATFORM	Subdivision – Financial Contributions – Public Access
AREA OF SIGNIFICANT INDIGENOUS BIODIVERSITY	Ecosystems and Indigenous Biodiversity – Natural Features and Landscapes
ARTIFICIAL LAKE OR POND	Natural Character of Waterbodies – Activities on the Surface of Water
BOUNDARY ADJUSTMENT	Subdivision – Financial Contributions – Public Access
BROWNFIELD	Natural Hazards
COASTAL ENVIRONMENT	Coastal Environment
COMMERCIAL ACTIVITY	Industrial and Commercial Zones
COMMUNITY FACILITIES, EDUCATION FACILITIES AND HEALTH FACILITIES	Natural Hazards
COMMUNITY SCALE	Energy, Infrastructure and Transport
<u>COMPENSATION</u>	Ecosystems and Indigenous Biodiversity – Natural Features and Landscapes
<u>CRITICAL INFRASTRUCTURE</u>	Energy, Infrastructure and Transport
<u>CRITICAL RESPONSE FACILITIES</u>	Natural Hazards
<u>CULTURAL ACTIVITIES</u>	Sites and Areas of Significance to Māori
<u>CULTURAL HARVEST</u>	Ecosystems and Indigenous Biodiversity – Natural Features and Landscapes
<u>CULTURAL LANDSCAPE</u>	Sites and Areas of Significance to Māori
<u>CULTURAL MATERIALS</u>	Sites and Areas of Significance to Māori
<u>CULTURAL PURPOSES</u>	Sites and Areas of Significance to Māori
EARTHWORKS	General District Wide Matters
<u>EFFECTS MANAGEMENT HIERARCHY</u>	Ecosystems and Indigenous Biodiversity – Natural Features and Landscapes
ENERGY ACTIVITY	Energy, Infrastructure and Transport
FARM QUARRY	Rural Zones Policies – General Rural Zone – Rural Lifestyle Zone
FREEDOM CAMPING	General District Wide Matters

<u>FURTHER MEASURABLE LOSS</u>	Ecosystems and Indigenous Biodiversity – Natural Features and Landscapes
HABITABLE ROOM	Natural Hazards
<u>HAZARDOUS FACILITIES</u>	Sites and Areas of Significance to Māori
HEAVY VEHICLE	Energy, Infrastructure and Transport
HELICOPTER LANDING AREA	Rural Zones
HERITAGE PROFESSIONAL	Historic Heritage
HERITAGE RESOURCE	Historic Heritage
HISTORIC HERITAGE	Historic Heritage
<u>IMPORTANT NATURAL ENVIRONMENT AREAS AND FEATURES</u>	Ecosystems and Indigenous Biodiversity – Natural Features and Landscapes
<u>INDIGENOUS VEGETATION</u>	Ecosystems and Indigenous Biodiversity – Natural Features and Landscapes
INDIGENOUS VEGETATION CLEARANCE	Ecosystems and Indigenous Biodiversity – Natural Features and Landscapes
INDUSTRIAL ACTIVITY	Industrial and Commercial Zones
INFRASTRUCTURE	Energy, Infrastructure and Transport
INTENSIVE INDOOR PRIMARY PRODUCTION	Rural Zones Policies – General Rural Zone – Rural Lifestyle Zone
IWI/PAPATIPU RŪNANGA MANAGEMENT PLAN	Sites and Areas of Significance to Māori
LAKE	Natural Character of Waterbodies – Activities on the Surface of Water
<u>LARGE SCALE</u>	Energy, Infrastructure and Transport
MĀORI LAND	Special Purpose Zones
MĀORI PURPOSE ACTIVITIES	Special Purpose Zones
MINERAL	Mineral Extraction
MINERAL EXPLORATION	Mineral Extraction
MINERAL EXTRACTION	Mineral Extraction
MINERAL EXTRACTION MANAGEMENT PLAN	Mineral Extraction
MINERAL PROSPECTING	Mineral Extraction
MINOR RESIDENTIAL UNIT	Residential Zones
<u>MINOR UPGRADE</u>	Energy, Infrastructure and Transport
NATIONAL GRID	Energy, Infrastructure and Transport
NATIONAL GRID SUBDIVISION CORRIDOR	Energy, Infrastructure and Transport
NATIONAL GRID YARD	Energy, Infrastructure and Transport
<u>NET GAIN</u>	Ecosystems and Indigenous Biodiversity – Natural Features and Landscapes
NETWORK UTILITY OPERATOR	Energy, Infrastructure and Transport
NOISE	General District Wide Matters
NOTIONAL BOUNDARY	General District Wide Matters
<u>OFFSET</u>	Ecosystems and Indigenous Biodiversity – Natural Features and Landscapes
OFFICIAL SIGN	General District Wide Matters
OPEN SPACE MANAGEMENT PLAN	Open Space Zones
PAPAKĀINGA	Special Purpose Zones
PAPATIPU RŪNANGA	Special Purpose Zones

PARKS FACILITIES	Open Space Zones
<u>PLANTATION FOREST</u>	Rural Zones Policies – General Rural Zone – Rural Lifestyle Zone
PORT ACTIVITIES	Special Purpose Zones
<u>POUTINI NGĀI TAHU COMMUNITY</u>	Sites and Areas of Significance to Māori
<u>POUTINI NGĀI TAHU MEMBERS</u>	Sites and Areas of Significance to Māori
<u>POUTINI NGĀI TAHU LAND</u>	Sites and Areas of Significance to Māori
<u>POUTINI NGĀI TAHU WHANUI</u>	Sites and Areas of Significance to Māori
<u>REASONABLE MEASUREABLE REDUCTION IN LOCAL POPULATION</u>	Ecosystems and Indigenous Biodiversity – Natural Features and Landscapes
RELOCATION	Historic Heritage
RENEWABLE ELECTRICITY GENERATION	Energy, Infrastructure and Transport
RENEWABLE ELECTRICITY GENERATION ACTIVITIES	Energy, Infrastructure and Transport
REPOSITIONING	Historic Heritage
RESIDENTIAL ACTIVITY	Residential Zones
RESIDENTIAL UNIT	Residential Zones
RETAIL ACTIVITY	Industrial and Commercial Zones
RIPARIAN MARGIN	Natural Character of Waterbodies – Activities on the Surface of Water
RIVER	Natural Character of Waterbodies – Activities on the Surface of Water
RURAL INDUSTRY	Rural Zones Policies – General Rural Zone – Rural Lifestyle Zone
<u>SHELTERBELT</u>	Rural Zones Policies – General Rural Zone – Rural Lifestyle Zone
SIGNIFICANT ELECTRICITY DISTRIBUTION LINE	Energy, Infrastructure and Transport
<u>SIGNIFICANT HABITATS OF INDIGENOUS FAUNA</u>	Ecosystems and Indigenous Biodiversity – Natural Features and Landscapes
<u>SIGNIFICANT INDIGENOUS BIODIVERSITY</u>	Ecosystems and Indigenous Biodiversity – Natural Features and Landscapes
<u>SIGNIFICANT INDIGENOUS VEGETATION</u>	Ecosystems and Indigenous Biodiversity – Natural Features and Landscapes
SIGNIFICANT NATURAL AREA	Ecosystems and Indigenous Biodiversity – Natural Features and Landscapes
<u>SMALL CELL FACILITY</u>	Energy, Infrastructure and Transport
SMALL SCALE	Energy, Infrastructure and Transport
STADIUM ACTIVITY	Special Purpose Zones
SUBSTATION (DISTRIBUTION)	Energy, Infrastructure and Transport
SUBSTATION (ZONE)	Energy, Infrastructure and Transport
<u>SUITABLY QUALIFIED AND EXPERIENCED PERSON</u>	Natural Hazards
SUPERMARKET	Industrial and Commercial Zones
SUPPORTED RESIDENTIAL ACCOMMODATION	Residential Zones
<u>TELECOMMUNICATION KIOSK</u>	Energy, Infrastructure and Transport
TEMPORARY ACTIVITY	General District Wide Matters
TEMPORARY MILITARY TRAINING ACTIVITY	General District Wide Matters

<u>TE RUNANGA O NGĀI TAHU LAND</u>	Sites and Areas of Significance to Māori
<u>TRADE RETAIL AND TRADE SUPPLIERS</u>	Industrial and Commercial Zones
<u>TRANSMISSION LINES</u>	Energy, Infrastructure and Transport
<u>UPGRADING</u>	Energy, Infrastructure and Transport
<u>VEHICLE CROSSING</u>	Energy, Infrastructure and Transport
<u>WASTEWATER DISPOSAL FACILITIES</u>	Sites and Areas of Significance to Māori
<u>WASTEWATER TREATMENT PLANTS</u>	Sites and Areas of Significance to Māori
<u>WATERBODY</u>	Natural Character of Waterbodies – Activities on the Surface of Water
<u>WATERCRAFT</u>	Natural Character of Waterbodies – Activities on the Surface of Water
<u>WETLAND</u>	Natural Character of Waterbodies – Activities on the Surface of Water
<u>WOODLOT</u>	Rural Zones Policies – General Rural Zone – Rural Lifestyle Zone

4.0 Statutory Requirements.

22. The TTPP must be prepared in accordance with the District Councils' functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare its district plan in accordance with an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand coastal policy statement, national planning standards; and any regulations. The TTPP must also have regard to the West Coast Regional Policy Statement, any regional plan, district plans of adjacent territorial authorities, and any Iwi Management Plan.
23. In addition there is a Mana Whakahono a Rohe agreement between West Coast Regional Council and Poutini Ngāi Tahu which must be implemented.
24. Section 2 of the Overview and Strategic Directions Section 32 report provides a detailed record of the relevant statutory considerations applicable to the Introduction and General Provisions. It also sets out the relationship between sections of the RMA and higher order documents.
25. I do not consider it necessary to repeat the detail of the full suite of higher order documents here. However, I do consider it necessary to repeat information about the National Planning Standards because these regulations inform the content of some of the submissions received and my analysis on these submissions. Also, many further submitters who were not initial submitters may not be aware of the Section 32 report and the statutory context. I have also outlined the requirements of the Order In Council that sets out the requirements for the creation of the TTPP.

4.1 Local Government Reorganisation Scheme (West Coast Region) Order 2019

26. This Order transfers the statutory District Plan under section 31 of the RMA making powers from the Buller, Grey and Westland District Councils to the West Coast Regional Council. It requires the West Coast Regional Council to then delegate all those powers to Tai Poutini Plan Committee. The Order sets out the requirements for the Tai Poutini Committee to prepare a Combined District Plan for the three districts.

4.2 National Planning Standards 2019

27. The planning standards were introduced to improve the consistency of plans and policy statements. The planning standards were gazetted and came into effect on 5 April 2019. The National Planning Standards contain compulsory provisions for content and format of

plans prepared. There are 17 standards in total, of which nine standards are relevant to this report:

- Standard 1: Foundation Standard
- Standard 4: District Plan Structure Standard
- Standard 6: Introduction and General Provisions Standard
- Standard 7: District-Wide Matters Standard
- Standard 8: Zone Framework Standard
- Standard 10: Format Standard
- Standard 12: District Plan Spatial Layer Standard
- Standard 13: Mapping Standard
- Standard 14: Definitions Standard

4.2.1 Application of the 'Structure, Format and Content' Standards

28. Standards 1, 4, 6, 7 and 10 set out the purpose of the Planning Standards, which is to improve the efficiency and effectiveness of the planning system by providing nationally consistent structure, format and content in plans under the RMA. These standards provide mandatory directions that must be followed relating to the Structure, Format and Content of a District Plan. For example all District Plans must be divided into four sections: PART 1 – Introduction and General Provisions, PART 2 – District- Wide Matters, PART 3 – Area Specific Matters and PART 4 – Appendices and Maps. With those 4 Parts to be further divided into Chapters and Sections.
29. Councils must choose from a select list of options and if incorporating specific chapters, they must be set out in the order set out in the Standard. Details on the specific standards, zone and content is outlined below.

4.2.2 Application of the Zone Framework, Spatial Layers and Mapping Standards

30. In addition to the Structure, Format and Content being outlined by the planning standards, Standards 8, 12 and 13 provide a suite of Zones and other Spatial Layers to choose from. The Planning Standards have introduced a 'short code' system, providing a list of acronyms for each Zone (e.g. Town Centre Zone is shortened to TCZ). The standards also provide a colour palette and some icons which must be used by Councils when preparing District Plan Maps.

4.2.3 Application of Definition Standard

31. Standard 14 provides a Definitions List. This list includes defined terms. The Mandatory Directions in Standard 14 (Clause 1) require that, where terms defined in the Definitions List are used in a policy statement or plan, and they are used in the same context as the definition, local authorities must use the definition in the Definitions List.

4.2.4 Compulsory Content

The national planning standards set a number of mandatory requirements on content. Standard 4, the District Plan Structure Standard requires that the following chapters must be included:

- How the Plan Works: Relationships Between Spatial Layers
- Interpretation: Definitions and Abbreviations
- National Direction Instruments: National Policy Statements and the New Zealand Coastal Policy Statement, National Environmental Standards, Regulations
- Tangata whenua: Tangata whenua/Mana whenua
- Strategic Direction: Urban form and development
- Energy Infrastructure and Transport
- Hazards and Risks
- Historical and Cultural Values
- Natural Environmental Values
- Subdivision
- General District Wide Matters

- Zones
- Precincts
- Development Areas
- Designations
- Appendices

4.3 Procedural Matters

32. At the time of writing this s42A report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

5.0 Consideration of Submissions Received

5.1 Overview of Submissions Received

33. 469 submission points and 154 further submission points are addressed in the s42A report on Part 1, Appendix 5 and Appendix 6. The issues raised by submitters are summarised below.

34. The common themes raised by the submitters are:

- The TTPP as a whole;
- structure and format of the TTPP;
- transparency and symbology of spatial layers;
- support for definitions as notified;
- requests for amendments or deletion of proposed definitions;
- requests for new terms to be defined;

5.2 Structure of this report

35. Given the number, nature and extent of the submissions and further submissions received, this Section 42A Report has been structured based on section as they appear in TTPP. For the Interpretation Section, the order of appearance is broadly based on the origin of the definition.

36. The submissions will be assessed in the order set out below:

- General submissions and cross plan issues
- General submissions on the planning maps
- Introduction Chapter
- How the Plan Works Chapter
- Abbreviations
- Glossary
- Definitions
- National Direction Instruments
- Tangata Whenua Chapter
- Appendices Five and Six

37. Where an amendment is recommended the applicable s32AA assessment for that issue is located in Section 17 of this report.

38. Recommended amendments are contained in the following appendices:

- Appendix 1: Recommended Amendments to Introduction and General Provisions Chapter, Appendix Five and Six
- Appendix 2: Recommended Amendments to Planning maps

39. A full list of submissions and further submissions is contained in the following appendix:

- Appendix 3: Submissions and Further Submissions on the Introduction and General Provisions Topic

40. Additional information can be obtained from the:

- Section 32 report on the Overview and Strategic Directions; and
- Overlays and maps on the ePlan.

6. General Submissions on TTPP and Cross Plan Issues

41. In addition to submissions on specific provisions in TTPP, a number of submissions were received related to the plan in general, the structure and format of the plan or relating to cross plan issues and these are discussed in this section.
42. 124 submission points, and 61 further submissions, were received in relation to the Whole Plan generally. These are made up of:
- submissions seeking that the plan be withdrawn
 - submissions supporting the plan as a whole
 - submissions seeking that the plan be simplified
 - submissions seeking better plan integration
 - use of Te Reo and Māori references within the plan
 - submissions seeking amendments to provisions across the whole plan
 - submissions seeking a greater weight on economic growth and social outcomes
 - submissions in relation to legal aspects of the Plan

6.1 Submissions Seeking that the Plan be Withdrawn

Submissions

43. There are 25 submission points with 6 further submissions seeking that the Plan be withdrawn.

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Terry Rea (S13)	S13.001	Oppose	Do not have a combined plan for the three districts
Deborah Amies (S196)	S196.001	Oppose	Do not have a combined plan for the three districts
Kim Marie Scrivener	FS40.4	Support	Allow
Joanne and Ken Dixon (S213)	S213.001	Oppose	Do not have a combined District Plan
Chris Reynolds (S362)	S362.001	Oppose	Do not have one plan for the whole West Coast
Alain Daunes (S199)	S199.001	Oppose	Withdraw the Plan
Reuben Lane (S272)	S272.001	Oppose	Withdraw the Plan. Ensure my existing use rights are retained
Alan Greig (S30)	S30.001	Oppose	I would like the proposed plan cancelled completely
John Davidson (S31)	S31.001	Oppose	Removal of entire plan in its proposed form
Kim Marie Scrivener	FS40.2	Support	Allow
Louise Morgan (S35)	S35.001	Oppose	Withdraw the whole plan
A Breen & L Breen (S159)	S159.001	Oppose	Scrap the Plan

Garry Howard (S358)	S358.001	Oppose	Reject the current plan in its entirety as it is not ready for adoption
Loraine and Kirk Haworth (S359)	S359.001	Oppose	To withdraw the Plan
Robert Burdekin (S378)	S378.002	Oppose	Remove the requirement for the whole plan
Janie Cook (S594)	S594.001, 004	Oppose	Delete
Janie Cook (S594)	S594.002	Oppose	Give a hiatus from plan
Kim Marie Scrivener	FS40.5	Support	Allow
Hadley Mills (S534)	S534.004	Oppose	Withdraw the plan and undertake a full independent review
Peter Dawson (S44)	S44.001	Oppose	Remove restrictions on Private property
Kim Marie Scrivener	FS40.1	Support	Allow
Joan Kallmann (S618)	S618.001	Oppose	Delete provisions affecting property
Scenic Hotel Group (S483)	S483.001	Not Stated	Withdraw provisions which affect existing property rights and use of rights
Neil Mouat	FS54.34	Support	Allow
West Coast Federated Farmers of New Zealand	FS103.003	Support	Allow
Ingrid Mesman (S310)	S310.001	Oppose	I see that there is no authority to place these restrictions on the use of the land of the said rated property.
Pete McDonnell (S281)	S281.002	Neutral	No decision sought, except maybe start again with a more enabling mindset.
Groundswell NZ (S562)	S562.001	Oppose	Seek that Te Tai o Poutini plan to be paused until the failings of the RMA outlined in this submission are addressed, and there is clarity around the NPS Indigenous Biodiversity and the RMA replacement the Natural and Built Environment Act (NBA).
Groundswell NZ (S562)	S562.005	Amend	The sections relating to the following RMA Section 6 zoning issues be paused "Significant Natural Areas (SNA), Outstanding Natural Landscapes, Outstanding Natural Features and other landscape zonings coming under various names,

			Sites and Areas of Significance to Maori (SASM), cultural sites, and cultural landscapes, Wetlands, Riparian margins
Paul Elwell-Sutton	FS75.2	Oppose	Disallow
Robyn Langridge (S479)	S479.001	Support	That the making of TTPP be paused until: 1. further search functions are created to make the document more easily searchable online 2. There is greater diversity in decision making to ensure the document is balanced.
Annabel Gosset	FS120.4	Support	Allow

Analysis

44. Terry Rea (S13.001), Deborah Amies (S196.001), Joanne and Ken Dixon (S213.001), Chris Reynolds (S362.001) all seek that the Plan not be a combined Plan for the three West Coast Districts. The Committee do not have the discretion to withdraw the plan. A district plan must be in place at all times, as outlined under Section 73 of the Resource Management Act. Preparation of Te Tai o Poutini Plan One District Plan for the West Coast Region was a mandatory requirement of the Local Government Reorganisation Scheme (West Coast) Order 2019.
45. Alain Daunes (S199.001), Reuben Lane (S272.001), Alan Greig (S30.001), John Davidson (S31.001), Louise Morgan (S35.001), A Breen & L Breen (S159.001), Garry Howard (S358.001), Loraine and Kirk Haworth (S359.001), Robert Burdekin (S378.002), Janie Cook (S594.001, 002 and 004) and Hadley Mills (S534) seek that the Plan be withdrawn.
46. Reuben Lane (S272.001) seeks that his existing use rights are retained. Existing use rights are outlined under Section 10 of the Act.
47. Peter Dawson (S44.001), Scenic Hotel Group (S483.001) and Joan Kallmann (S618.001) seeks that restrictions on private property are removed. Ingrid Mesman (S310.001) does not believe there is authority to place restrictions on private property.
48. Pete McDonnell (S281.002) seeks that the Plan be started again with a more enabling mindset.
49. Groundswell NZ (S562.001) seek that the plan be paused until the RMA is reviewed, the NPS Indigenous Biodiversity and National and Built Environment Act are in force. Robyn Langridge (S479.001) seeks a pause until more search functions are put in place for the E-Plan and that there is greater diversity in decision making to ensure the Plan is balanced.
50. Groundswell (S562.005) also seek that the parts of the Plan that respond to Section 6 of the RMA be paused.
51. TTPP replaces three district plans that were all well overdue for review/replacement. Its preparation was directed by the Local Government Reorganisation Scheme for the West Coast. The Tai Poutini Plan Committee set up under the scheme spent three years developing the Plan to proposed status. This involved multiple rounds of consultation with the community as well as extensive workshops with key stakeholders. These submitters do not identify any clear grounds for withdrawing plan, other than not liking it.
52. As is evident throughout the Plan and will be discussed in detail in relation to the provisions, there are significant parts of the Plan that are very enabling, however the

Plan has been written to meet the statutory requirements as set out in the RMA in 2022 so there are restrictions on land in order to meet these requirements.

53. The Government through the RMA (and other Acts) specifically allows for restrictions on private property.
54. As a district plan, existing use rights are not over-ridden – however these are well defined in case law and relate to activities currently being lawfully undertaken, not planned future uses of land.
55. In terms of pausing the Plan, the Local Government Reorganisation Scheme for the West Coast and section 29 of the RMA require that planning be expedited. There is also no lawful basis to produce a district plan that does not address matters contained in Section 6 of the RMA.

Recommendations

56. That there is no change to the TTPP as a result of the above-mentioned submission points.
57. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

6.2 Submissions Supporting the Plan as a Whole

58. There are 8 submission points and 6 further submissions that support the plan as a whole – or support it in part as a whole.

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Bert Hofmans (S504)	S504.001	Support	Retain the current functionality of the plan
Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.001	Support	Te Rūnanga and Poutini Ngāi Tahu supports the plan provisions except where we ask for specific amendments or additions as set out in Schedule One attached.
The Proprietors of Mawhera incorporation (Mawhera Inc.)	FS217.001	Oppose	Disallow Mawhera Inc opposes all submissions by submitter 620 and all other submitters who submitted comment on any Maori related matters as to statements made in the Proposed "One Plan" document that was released for public comment on the 14 July 2022
Royal Forest & Bird Protection Society of NZ Inc. (Forest & Bird)	FS34.009	Support in Part	Allow in Part
Lindy Millar (S505)	S505.001	Support	Retain the current functionality of the plan
Peter Haddock (S417)	S417.004	Support in part	Not stated

David Ellerm (S581)	S581.002	Support	Retain with amendments requested in the submission
Davis Ogilvie & Partners Ltd	FS154.0010	Oppose	Disallow
Buller Conservation Group	FS224.001	Support in Part	Not Stated
Frida Inta	FS223.001	Support in Part	Not stated
David Moore (S65)	S65.001	Support in part	Not stated
West Coast Penguin Trust	FS45.49	Support in part	Allow in part
West Coast Fish and Game Council (S302)	S302.008	Support	Fish and Game supports all other provisions of the pTTPP, except where inconsistent with the relief sought as described in this submission
Helen & Graeme O'Dea (S374)	S374.001	Neutral	As the property owners of 6 Tindale Road, Greymouth we wish to remain neutral as there are no rules over our land and we wish to keep it this way

Analysis

59. The support for the Plan is noted. Bert Hofmans (S504.001) and Lindy Millar (S505.001) specifically note that they consider the Plan has good functionality. TTPP has been prepared in accordance with the format and structure requirements of the planning standards, which seek to create more uniformity in plans across New Zealand.

Recommendations

60. That there is no change to the TTPP as a result of the above-mentioned submission points.

61. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

6.3 Submissions Seeking that the Plan be Simplified

62. There are 22 submission points and 12 further submissions that seek that the Plan be simplified.

Submitter Name /ID	Submission Point	Position	Decision Requested
Raylene Black (S420)	S420.003	Amend	The proposed plan is not easily read or interpreted by the lay person as there are too many overlays/chapters
Misato Nomura (S151)	S151.001	Amend	That the rules in the entire plan be re-written in clear, concise English with punctuations as necessary or to use tables to distinguish between the different activity levels instead of long-written forms. We request for the format of the plan to be changed

			to one that is easier to be understood.
Buller Conservation Group (S552)	S552.016	Amend	English language syntax and systematics are applied to this Plan
Frida Inta (S553)	S553.016	Amend	English language syntax and systematics are applied to this Plan
Gina Hogarth (S304)	S304.003	Support in part	Where appropriate condense and simplify the set of rules using plain language, clearly understood definitions and tables.
Lucina Brady (S322)	S322.001	Not Stated	I found the whole plan overwhelming to understand.
Annabel Boland (S324)	S324.001	Neutral	That the rules will be clearly and simply stated and property owners will be informed
Suzanne Hills (S443)	S443.001	Amend	Simplify the plan
Lynley Hargreaves	FS65.003	Support	Allow
Margaret Montgomery (S446)	S446.110	Amend	Amend the plan so it is easier to read and use.
Vance & Carol Boyd (S447)	S447.001	Amend	Make the plan less complex and the map books easier to read
Katherine Gilbert (S473)	S473.001	Amend	Rewrite the plan so it is shorter, simpler and meets the intent of the Local Government Reorganisation Scheme for the West Coast made in 2019
Lynley Hargreaves (S481)	S481.001	Amend	Make the plan simpler and easier to read
Rosalie Sampson (S539)	S539.006	Amend	Amend the rules so they are easier for lay people to read
Rosalie Sampson (S539)	S539.010	Amend	Amend the plan so it is more usable, functional and user friendly, for both planners and the general public
Betty Harris (S405)	S405.001	Amend	The plan and maps should be simplified to ensure that it is user-friendly for everyone. Some rules could be condensed where they are similar and essentially seeking to achieve the same outcome
Anthony Eden (S578)	S578.003	Amend	The final plan needs to be more user friendly for non-planner readers and affected parties
Shaun and Carissa du Plessis (S402)	S402.001	Amend	Review and simplify the provisions to ensure that the plan can be used and easily interpreted by all. Reduce repetition. Fix grammar and

			formatting issues. Address usability issues of the e-plan maps
West Coast Federated Farmers of New Zealand	FS103.001	Support	Allow
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.001	Amend	Amend the Plan to simplify, unify and comply with the expectation of the Local Government Reorganisation Scheme (West Coast) Order 2019
Kāinga Ora – Homes and Communities	FS58.0110	Support	Allow
Buller Conservation Group	FS224.002	Support	Not stated
Frida Inta	FS223.002	Support	Not Stated
Mike Spruce	FS218.001	Support	Not Stated
TiGa Minerals and Metals Limited	FS104.002	Oppose	Disallow
Buller District Council	FS149.015	Support	Allow
Annabel Gosset	FS120.2	Support	Allow
Anne Chapman (S425)	S425.003	Amend	Ensure no unnecessary regulation within the plan
Rebecca Inwood (S422)	S422.003	Amend	Undertake a "usability check" for the final Plan
Chris J Coll Surveying ltd	FS151.004	Support	Allow
William McLaughlin	FS148.020	Support	Allow
Peter Dawson (S44)	S44.002	Not Stated	Print this out in English and a Māori version separately
Kim Marie Scrivener	FS40.3	Support	Allow
David Morris (S83)	S83.001	Amend	There should be more protection for the layperson and perhaps independent groups set up to explain and submit on their behalf. The TPP in general appears to have been constructed by and for industry in general and mining in particular. The idea of the TPP was to streamline local government and this doesn't appear to have been achieved

Analysis

63. Raylene Black (S420.003), Misato Nomura (S151.001), Buller Conservation Group (S552.016), Frida Inta (S553.016), Gina Hogarth (S304.003), Lucina Brady (S322.001), Annabel Boland (S324.001), Suzanne Hills (S443.001), Margaret Montgomery (S446.110), Vance & Carol Boyd (S447.001), Katherine Gilbert (S473.001), Lynley Hargreaves (S481.001), Rosalie Sampson (S539.006, 539.010), Betty Harris (S405.001), Anthony Eden (S578.003), Shaun and Carissa du Plessis (S402.001) and Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560) consider that TTPP has been written in a way that is hard for people to understand. Anne Chapman (S425.003) seeks that there is no unnecessary regulation within the plan. Rebecca Inwood (S422.003) seeks that there be a “usability check” for the final Plan. Peter Dawson (S44.002) seeks that there be separate English and Māori versions of the Plan. David Morris (S83.001), Katherine Gilbert (S473.001) and Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560.001) consider that the Plan does not meet the expectation of the Local Government Reorganisation Scheme for the West Coast.
64. TTPP has been prepared in accordance with the format and structure requirements of the National Planning Standards. The National Planning Standards seek to create more uniformity in plans across New Zealand. There is also the necessity to combine provisions across the three districts – as was required by the Local Government Reorganisation Scheme for the West Coast. As a consequence the Plan structure is quite different to the previous 3 individual district Plans with District Wide Matters required to be set out separately from Zone provisions. I agree this makes the plan more complex. The National Planning Standards and the combining of the three district plans into one plan are both mandatory requirements.
65. In terms of meeting the Local Government Reorganisation Scheme expectations – a key factor in the decision to create a combined plan was the age of the previous district plans, and their failure to be kept up to date to meet statutory requirements. As a consequence, there are many new matters that were not included in the previous district plans that were required to be addressed in TTPP – further increasing the difference between the previous district plans and TTPP content.
66. As a statutory document, TTPP cannot avoid using terminology and phrasing that may not be as easily understood by all plan users. In addition, with Poutini Ngāi Tahu as co-developers of TTPP and Treaty Partners there is an expectation that Māori words would be included throughout the Plan. Māori is also an official language of New Zealand, therefore having two separate Plans would be inappropriate. Māori terms are all defined in the glossary.
67. Understanding this, there is guidance for plan users in Part 1 to explain how the plan works and separate documents have been prepared outside of the ePlan to provide guidance to users as how to navigate and interpret the Plan. I therefore recommend that these submission points be rejected.

Recommendations

68. That there is no change to the TTPP as a result of the above-mentioned submission points.
69. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

6.4 Submissions Seeking better Plan Integration

70. There are 13 submission points and 6 further submissions that seek better Plan integration.

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
--------------------	------------------	----------	--------------------

Buller Conservation Group (S552)	S552.013	Amend	Amend the introduction to all chapters to refer to the relevant section of the RMA section the chapter refers to
Frida Inta (S553)	S553.013	Amend	Amend the introduction to all chapters to refer to the relevant section of the RMA section the chapter refers to
Buller Conservation Group (S552)	S552.014	Amend	Cross-references to include the page number of the cross-reference or add an electronic cross reference for online plan
Frida Inta (S553)	S553.014	Amend	Cross-references to include the page number of the cross-reference or add an electronic cross reference for online plan
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.432	Amend	Ensure that defined terms are consistently hyperlinked or otherwise identified as a defined term
Straterra (S536)	S536.026	Amend	Review the plan to ensure consistency and workability across overlays and zones
Frida Inta	FS223.012	Oppose	Not Stated
Buller Conservation Group	FS224.012	Oppose	Not stated
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.036	Amend	<p>Ensure that all relevant chapters include a section headed: "Other relevant Te Tai o Poutini Plan provisions." Under that heading, list all relevant chapters that may apply. Ensure that the wording makes it abundantly clear that those chapters may apply regardless of whether a scheduled area is present " <u>Other relevant Te Tai o Poutini Plan provisions. It is important to note that in addition to the provisions of this chapter, a number of Part 2: District Wide chapters also contain provisions that may be relevant to activities in these zones. These chapters include provisions that apply everywhere in the district, as well as some rules that only apply within identified and/or scheduled features (or overlays). Please refer to those chapters, including:</u>"</p> <p>Then list all relevant chapters, with a brief explanation of what they do, based on the OSZ approach.</p>

			Include (but not limited to) at least the ECO, NFL, NC, CE chapters
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.333	Amend	In accordance with the submission made under the 'Key Issues' section of this submission: a. include a section "Other relevant Te Tai o Poutini Plan provisions" and list all relevant chapters with an explanation. Include all Natural Environment Chapters and District Wide Chapters. b. make clear that all vegetation clearance is dealt with by the ECO (and NC) chapter, in both the zone overviews and amend any relevant provisions within each chapter to that effect, including that the ECO objectives and policies may be relevant to other activities c. all mining activities require consent (except NOSZ where they should be prohibited), and an ecological assessment in accordance with Appendix 1 of WCRPS is required for all mining activity consent applications.
Buller District Council	FS149.072	Oppose	Disallow
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.034	Amend	Apply a consistent approach across the whole Plan to cross-referencing or referring to other chapters. This must include reference to entire chapters, rather than giving the impression that only certain provisions apply, as is currently the case (e.g., 'overlay' provisions only). For chapter overviews at least, base this on the approach taken in the Open Space Zone 'Other relevant Te Tai Poutini Plan provisions', which lists all relevant chapters, with an explanation of their effect. Ensure that all relevant chapters include a section headed: "Other relevant Te Tai o Poutini Plan provisions." Under that heading, list all relevant chapters that may apply. Ensure that the wording makes it abundantly clear that those chapters may apply regardless of whether a scheduled area is present
Westpower Limited	FS222.0204	Oppose in Part	Disallow

West Coast Federated Farmers of New Zealand	FS103.014	Support in Part	Allow in part
Radio New Zealand Limited (RNZ)	FS141.001	Support	Allow

Analysis

71. The Buller Conservation Group (S552.013) and Frida Inta (S553.013) seek that the introduction to all chapters refer to the relevant section of the RMA that the chapter refers to.
72. I do not consider that it is necessary to refer back to the RMA in each chapter of the Plan. The Plan as a whole is developed to give effect to the RMA and also the West Coast Regional Policy Statement (WCRPS). There is no additional benefit to interpretation of the rules in referencing back to the RMA.
73. The Buller Conservation Group (S552.014) and Frida Inta (S553.014) seek that cross references refer to the page number of the cross reference in the pdf of the plan and that there is an electronic cross reference for the online plan. Forest and Bird (S560.432) seek that defined terms are consistently hyperlinked or otherwise identified as a defined term.
74. TTPP was developed as an e-plan and within the e-plan there are links and cross references including of all defined terms. Recognising the West Coast issues with online connectivity, copies of the e-plan were printed and made available widely so that it was easy for people to make submissions. These copies are literally printed versions of the e-plan not a designed and formatted hard copy plan. The National Planning Standards require that RMA plans be developed as e-plans and there is significant functionality gained from the online plan format. The e-plan receives significant numbers of daily users, and is the way the plan is intended to be used. Unlike a hard copy of pdf, it is easily able to be updated. District Plans are not static documents, and the required e-plan format provides many benefits, enabling a greater ease of making changes that a made through appropriate RMA processes. Given this I do not consider it necessary to develop an entirely separate pdf version of the plan with cross references and links. This would be a costly exercise with only a small number of beneficiaries.
75. Straterra (S536) seek that the entire plan be reviewed for consistency across overlays and zones.
76. Forest and Bird (S560.036) seek that all relevant chapters include a section headed: "Other relevant Te Tai o Poutini Plan provisions." Under that heading, list all relevant chapters that may apply. Ensure that the wording makes it abundantly clear that those chapters may apply regardless of whether a scheduled area is present " Other relevant Te Tai o Poutini Plan provisions. It is important to note that in addition to the provisions of this chapter, a number of Part 2: District Wide chapters also contain provisions that may be relevant to activities in these zones. These chapters include provisions that apply everywhere in the district, as well as some rules that only apply within identified and/or scheduled features (or overlays). Please refer to those chapters, including:" Then list all relevant chapters, with a brief explanation of what they do, based on the OSZ approach. Include (but not limited to) at least the ECO, NFL, NC, CE chapters. Their submission point 560.034 seeks similar relief.
77. Currently each chapter does have a section headed "Other relevant Te Tai o Poutini Plan provisions" – however the listing of relevant chapters is not always consistent. In that a consistent approach should be taken I recommend that these submissions be supported. I also generally agree that the wording proposed is appropriate. While there may be a need for further amendments as a consequence of submissions to the individual topic chapters, I consider that an initial set of amendments in line with the approach of the OSZ, as sought in the submission is appropriate.

78. Submission point of Forest and Bird 560.333 seeks that when referring to other chapters/cross referencing in the plan that references should include reference to entire chapters rather than referring to only some provisions, that it be made clear that all vegetation clearance is dealt with by the ECO and NC chapters in both the zone overviews and in each chapter to that effect. The part of the submission that seeks provisions be amended in relation to multiple chapters be amended so that all vegetation clearance is dealt with by the ECO and NC chapters I have referred to the Natural Environment s42A report. The third part of this submission point seeks that all mining activities require resource consent – I refer part C of this submission point to be discussed in the Mineral Extraction s42A report.
79. With regard to the matter of cross referencing, this is generally in the form of advice notes. Some advice notes refer plan users to specific rules in another chapter that are likely to be triggered. For example, Noise insulation requirements that apply where residential and visitor accommodation activities occur close to specific locations such as state highways, railway lines and airports. Other Advice Notes are a prompt to remind the Plan user to check groups of rules that may apply depending on the activity. These advice notes were included to help plan users because there is such a significant change in structure between TTPP and the operative plans for the three Councils. As other submitters have noted TTPP is considerably more complex than the operative district plans. Cross references and Advice Notes aim to help the user learn to navigate around the Plan. However, they do not replace the basic structure of how the plan works, in that plan users need to consider both all District Wide Rules as well as the relevant zone provisions.
80. By the time the Plan becomes operative I consider that there will be much greater familiarity with the Plan provisions in the West Coast community (and in particular the planning community), and that many of the advice notes may no longer be necessary. Rather than substantially expand the Advice Notes and cross references to refer to every other chapter in the Plan, I consider that a slimming down of the Advice Notes and cross references is more appropriate, however this is best addressed on a chapter-by-chapter basis in relation to those specific provisions. A check over to ensure all cross references are correct once the plan is finalised is also appropriate. Given however that many plan users may not read the "How the Plan Works" chapter and jump straight to the relevant zone rules, I consider the relief sought by this submission is best addressed by changes to the Overview section of each chapter, as sought in submission point 560.036 of the submitter. Therefore, I do not propose further amendment as a consequence of submission point 560.333.

Recommendations

81. That the Eplan be checked upon completion to ensure that all definitions are hyperlinked.
82. That the cross references and advice notes within the Plan be checked upon completion to ensure that all are relevant and refer to the correct provisions in the Plan.
83. That the following amendments be made to the 'Other Relevant Te Tai o Poutini Plan Provisions" section of the Overview for each rule chapter.
- Other relevant Te Tai o Poutini Plan provisions. It is important to note that in addition to the provisions of this chapter, a number of Part 2: District Wide chapters also contain provisions that may be relevant to activities in these zones. These chapters include provisions that apply everywhere in the district, as well as some rules that only apply within identified and/or scheduled features (or overlays). Please refer to those chapters, including:..." Then list all relevant district wide chapters, with a brief explanation of what they do, based on the current OSZ approach in the Plan.
 - Make consequential amendments to every chapter in the Plan.
84. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

6.5 Submissions on the Use of Te Reo and Māori references in the Plan

85. There are 8 submission points and 1 further submission around the use of Te Reo and Māori references in the Plan.

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Rūnanga o Ngai Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.001, S620.002	Amend	Full check of the te reo Māori used in the plan is undertaken by a suitably qualified person with understanding of the Poutini Ngāi Tahu dialect
Te Runanga o Ngai Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.003	Amend	Where the plan refers to Ngāti Māhaki o Makaawhio or Ngāti Māhaki ki Makaawhio it is amended to Ngāti Māhaki
Te Runanga o Ngai Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.005	Amend	Ensure the use of dual naming is consistent throughout the plan with te reo Māori first and English second, including the following when referring to the West Coast and New Zealand: Te Tai o Poutini/West Coast and Aotearoa me Te Waipounamu/New Zealand
The Proprietors of Māwhera Tiamana Māwhera Incorporation. (Māwhera Incorporation) (S621)	S621.009	Amend	Amend plan to Maori name precedes the English name throughout
Department of Conservation (S602)	S602.002	Oppose	Amend the provisions of the plan to refer to the region as 'West Coast/Te Tai o Poutini'
Department of Conservation (S602)	S602.004	Oppose	Amend the terms 'New Zealand' and 'Aotearoa New Zealand' to 'New Zealand/ Aotearoa'
Department of Conservation (S602)	S602.007	Oppose	Review and amend the spelling of all Māori words and the use of macrons on Māori words
Heritage New Zealand Pouhere Taonga	FS111.0010	Support	Allow
Department of Conservation (S602)	S602.009	Oppose	Amend all key section titles in the Plan so that they are bilingual

Analysis

86. Submissions from Ngāi Tahu (s S620.001, S620.002 and S620.003) and the Department of Conservation (S602.007) highlight that there is inconsistent use of Māori dialect and spelling of some Māori words within the Plan. I support these submissions. Ngāi Tahu's submission proposes that a full check of the Plan is undertaken by a suitably qualified person with understanding of the Poutini Ngāi Tahu dialect. They also seek a consistent

description of Ngāti Māhaki. I consider this to be a helpful suggestion and that this check be undertaken on the final plan.

87. Submissions from Ngāi Tahu (S620.005), Māwhera Incorporation (S621.009) and the Department of Conservation (S602.002 and S602.004) relate to the dual naming with Māori and English names in the Plan. Ngāi Tahu and Māwhera Incorporation seek that all Māori names go first, and the Department of Conservation seeks that the English names go first in relation to the West Coast and New Zealand naming. The submissions are principally concerned with consistency.
88. In considering what is appropriate I have referred to the LINZ Standard for New Zealand Place Names NZGBS60002 dated 20 November 2020 (the LINZ Standard). This standard differentiates between official geographic names and original Māori names. Where there is an original Māori name, then generally this should be the first part of a dual name, in recognition of the right of first discovery. On this basis, the West Coast should correctly be dual named Te Tai o Poutini/West Coast. Nationally the generally agreed Māori name for New Zealand is Aotearoa – however during consultation on the draft Plan Ngāi Tahu sought that it be recognised that their name is Aotearoa me Te Waipounamu. The LINZ Standard considers that there should be one name for one place.
89. In light of the guidance provided by the LINZ standard I recommend that submission S620.005 of Ngāi Tahu is accepted in part, submission S621.009 of Māwhera Incorporation is accepted in part, submission S602.002 of the Department of Conservation is rejected and that Submission S602.004 of the Department of Conservation is accepted in part and that in that the dual place naming should have te reo Māori first and English second, but that in relation to the dual naming of New Zealand, this should be Aotearoa / New Zealand.
90. With regard to dual names that are not place names (i.e. chapter titles) I consider that the Plan approach of these being English first and Māori second should be retained. That is because I consider that is much easier for Plan users – the overwhelming majority of whom will not speak Māori or understand the Māori names. I acknowledge that this does create an element of inconsistency in that place names would have the Māori name first. If in the Commissioner’s view, it is best to have one consistent approach for all uses of names then I would prefer that all names are English first and Māori second to retain the ease of understanding for Plan users.
91. The Department of Conservation (S602.009) seeks that all section titles in the Plan be bilingual. Currently the only chapters that are not dual named are:
 - Kumara Junction Developments
 - Requiring Authority Names
 - Appendix Ten: New Zealand Archaeological Association Sites of Māori Origin
92. In the case of the Kumara Junction Developments and Appendix Ten, these were added as a result of consultation on the draft Plan and insufficient time was available to get an approved Ngāi Tahu translation. I recommend that this be done and that these chapters also have a bilingual name.
93. In the case of the requiring authority names, where the requiring authority already has a Māori name (e.g. Radio New Zealand / Te Reo Irirangi Aotearoa, Department of Conservation / Te Papa Atawhai) that this be used for the relevant chapter title. However where the requiring authority does not have a Māori name I consider it would be inappropriate to assign a Māori name to that organisation. Examples of requiring authorities without Māori names are Westpower Ltd, Spark and Transpower, as well as the West Coast Councils.
94. I therefore recommend accepting S602.009 in part.

Recommendations

95. That prior to finalisation of the Plan that a full check of the Plan is undertaken by a suitably qualified person with understanding of the Poutini Ngāi Tahu dialect this check should address spelling and appropriate use of macrons as well as ensuring a consistent dialect is used throughout the Plan.
96. That the provisions of the Plan be amended so that all dual place names are with Māori name first and then English name with all dual names separated by a forward slash with a space either side.
97. Where the plan refers to Ngāti Māhaki o Makaawhio or Ngāti Māhaki ki Makaawhio it is amended to Ngāti Māhaki
98. That all references to New Zealand in the Plan refer to Aotearoa / New Zealand.
99. That where a chapter does not already have a bilingual name a Māori name is applied. Where the chapter name is the name of a requiring authority that has a Māori name that this be included in the name of the chapter.

6.6 Other Amendments sought to provisions across the whole Plan

100. There are 40 submission points and 22 further submissions that seek other amendments to provisions across the whole Plan.

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Buller Conservation Group (S552)	S552.005	Oppose	Activities proposed as controlled and restricted discretionary should be classed as discretionary
Westpower Limited	FS222.001	Oppose	Disallow
Grey District Council	FS1.377	Oppose	Disallow
Frida Inta (S553)	S553.005	Oppose	Amend activities proposed as controlled and restricted discretionary to discretionary
Westpower Limited	FS222.0114	Oppose	Disallow
Vance & Carol Boyd (S447)	S447.003	Amend	Review "catch all" non-complying rules
William McLaughlin (S567)	S567.395	Oppose	Delete Non-complying and Prohibited activity rules that include the wording "not provided for in another rule" or make them Discretionary activities.
Chris & Jan Coll (S558)	S558.335	Oppose	Delete Non-complying and Prohibited activity rules that include the wording "not provided for in another rule" or make them Discretionary activities.
Chris J Coll Surveying Limited (S566)	S566.335	Oppose	Delete Non-complying and Prohibited activity rules that include the wording "not provided for in another rule" or make them Discretionary activities.
Laura Coll McLaughlin (S574)	S574.335	Oppose	Delete Non-complying and Prohibited activity rules that include

			the wording "not provided for in another rule" or make them Discretionary activities.
Fuel Companies (S613)	S613.001	Amend	In addition to the specific outcomes and relief sought, the following general relief is sought: Achieve the following: i. The purpose and principles of the Resource Management Act 1991 (RMA) and consistency with the relevant provisions in Sections 6 - 8 RMA; ii. Give effect to the West Coast Regional Policy Statement; iii. Assist the Council to carry out its functions under Section 31 RMA; iv. Meet the requirements of the statutory tests in section 32 RMA; and v. Avoid, remedy or mitigate any relevant and identified environmental effects; b) Make any alternative or consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the proposed plan that are not specifically subject of this submission but where consequential changes are required to ensure a consistent approach is taken throughout the document; and c) Any other relief required to give effect to the issues raised in this submission.
Minerals West Coast (S569)	S569.037	Amend	Amend to apply the effects management hierarchy throughout TTPP where required
Grey District Council	FS1.193	Support	Allow
Te Runanga o Ngai Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.015	Amend	Include as a matter of control or a discretion within the controlled or restricted discretionary rules with all zones chapters <u>effects on Poutini Ngāi Tahu Values.</u>
New Zealand Motor Caravan Association (S490)	S490.002	Amend	Specifically exclude camping from the Plan
New Zealand Motor Caravan Association (S490)	S490.005	Amend	Amend a range of provisions across the plan as to better support camping as an activity
Westpower Limited (S547)	S547.027	Amend	Add <u>Locational Need</u> to all rules referring to Functional Need and/or Operational Need and add <u>Technical Need</u> to all rules referring

			to Functional Need and/or Operational Need.
Buller Electricity Limited	FS138.001	Support	Allow
Davis Ogilvie & Partners Ltd (S465)	S465.038	Amend	Amend all references to "certificates of title" to be "record of title"
Davis Ogilvie & Partners Ltd (S465)	S465.039	Amend	Amend all references to NZS 4404:2010 to be supplemented to refer to any subsequent engineering standards adopted by Council, as NZS 4404:2010 is likely to be updated over time
Frida Inta (S553)	S553.232	Amend	All residential (including settlement) zones should have air pollution rule added in
Chris & Jan Coll (S558)	S558.001, S558.333	Amend	Amend all references to compliance with standards (e.g. permitted activity standards or performance standards) to accommodate pre-existing non-compliance that is not being exacerbated by the proposed activity
William McLaughlin (S567)	S567.001, S567.393	Amend	Amend all references to compliance with standards (e.g. permitted activity standards or performance standards) to accommodate pre-existing non-compliance that is not being exacerbated by the proposed activity
Laura Coll McLaughlin (S574)	S574.001, S574.333	Amend	Amend all references to compliance with standards (e.g. permitted activity standards or performance standards) to accommodate pre-existing non-compliance that is not being exacerbated by the proposed activity.
Chris J Coll Surveying Ltd (S566)	S566.333	Amend	Amend all references to compliance with standards (e.g. permitted activity standards or performance standards) to accommodate pre-existing non-compliance that is not being exacerbated by the proposed activity.
Department of Conservation (S602)	S602.003	Oppose	Amend the provisions of the plan to amend the term 'natural heritage' to 'natural environment'
Department of Conservation (S602)	S602.005	Oppose	Amend the term 'native' to 'indigenous'
Davis Ogilvie & Partners Ltd	FS154.001	Support	Allow

Department of Conservation (S602)	S602.006	Oppose	Amend the term 'impacts' to 'adverse effects', unless the term impacts is required for consistency with a higher order document
Davis Ogilvie & Partners Ltd	FS154.002	Support	Allow
Department of Conservation (S602)	S602.008	Oppose	Replace the terms 'waterway' and 'stream' with 'river' and/or 'waterbody' throughout the Plan
Davis Ogilvie & Partners Ltd	FS154.003	Support	Allow
Westpower Limited	FS222.072	Oppose	Disallow
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.465	Amend	Make consequential amendments to change utility to <u>network utility</u> throughout the Plan
Westpower Limited	FS222.0205	Oppose	Disallow
Buller Electricity Limited (S451)	S451.016	Amend	Use the term network utility operator consistently through the plan - there are a range of other terms that have been used.
KiwiRail Holdings Limited (S442)	S442.093	Amend	Amend as follows: <u>New rule: Activity Status Permitted Where: X. No building or structure may be located within 5m of any site boundary with the rail corridor. Activity status when compliance not achieved: RDIS New rule: Buildings or structures not meeting Rule XXX-RX Activity Status Restricted Discretionary Where: The building is setback less than 5m from the rail corridor boundary. Discretion is restricted to:the location and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor; and the safe and efficient operation of the rail network.</u>
Brian Anderson (S576)	S576.014	Amend	All mention of biodiversity offsetting should be removed from the plan.
Grey District Council	FS1.201	Oppose	Disallow
New Zealand Heavy Haulage Association Inc (S616)	S616.015	Support	Retain provisions for relocated buildings

William McLaughlin (S567)	S567.394	Oppose	Delete rules related to relocated buildings and/or the references to relocated buildings.
Chris and Jan Coll (S588)	S588.334	Oppose	Delete rules related to relocated buildings and/or the references to relocated buildings.
Chris J Coll Surveying Ltd (S566)	S566.334	Oppose	Delete rules related to relocated buildings and/or the references to relocated buildings.
Laura Coll McLaughlin (S574)	S574.334	Oppose	Delete rules related to relocated buildings and/or the references to relocated buildings.
Anthony Eden (S578)	S578.004	Amend	Amend to combine the cumulative effects of the plan on particular areas
Department of Conservation (S602)	S602.012	Amend	Amend matters of control and matters of discretion throughout the plan to include the consideration of an assessment of alternatives, where the rules relate to managing activities within scheduled areas and SNAs.
Westpower Limited	FS222.073	Oppose	Disallow
Susan Hall	FS35.2	Support	Allow
Te Tumu Paeroa - The office of the Māori Trustee (Te Tumu Paeroa) (S440)	S440.002	Amend	Uses singular terms in the Plan for the following groups of terms. a. Poutini Ngāi Tahu; Poutini Ngāi Tahu whānui; Poutini Ngāi Tahu community; Poutini Ngāi Tahu members; b. Poutini Ngāi Tahu land; Ancestral land; c. Cultural uses; Cultural purposes; Cultural activities
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.006	Amend	Throughout the plan amend references from site coverage to building coverage, for example MPZ-R1:Māori Purpose Activities: Activity Status Permitted Where:... 3. Maximum <u>building</u> site coverage is 40%;
Davis Ogilvie & Partners Ltd	FS154.006	Support	Allow
Grey District Council	FS1.317	Support	Allow
Cape Foulwind Staple 1 Ltd (S557)	S557.006	Amend	seeks clarification of the definition of Site Coverage v Building Coverage if Council wants to use the two terminologies and seeks consistency across the use of the TTPP in relation to the use of Site

			Coverage v Building Coverage in its rules.
Davis Ogilvie & Partners Ltd	FS154.004	Support	Allow
Cape Foulwind Staple 2 Ltd (S568)	S568.014	Amend	Clarify the definition of Site Coverage v Building Coverage if Council wants to use the two terminologies. Be consistent across the use of the TTPP in relation to the use of Site Coverage v Building Coverage in its rules.
Straterra (S536)	S536.025	Amend	Remove the word "avoid" from the plan where it is not used within the wider effects management hierarchy
TiGa Minerals and Metals Limited	FS104.003	Support	Allow
Birchfields Ross Ltd	FS150.002	Support	Allow
Transpower NZ Ltd	FS110.004	Oppose	Disallow
Phoenix Minerals Limited	FS215.002	Support	Allow
Minerals West Coast (S569)	S569.002	Amend	Amend to clarify so the plan provisions uphold and provide for the Objectives of the TTPP as regards minerals activities. Amend TTPP for consistency of wording between different sections, and thereby support Objectives, Policies and Rules relating to minerals prospecting, exploration and extraction.
Waka Kotahi NZ Transport Agency (Waka Kotahi) (S450)	S450.00342	Amend	It is recommended that the performance standards be clearly identified in a separate table, as set out in the National Planning Standards, then have a separate rule for the specific matters currently identified as Rule 1
Vance & Carol Boyd (S447)	S447.004	Amend	Provide specific spatial extent of scheduled areas within the schedules
Grey District Council (S608)	S608.498	Amend	It is recommended that further investigation be given to whether the objectives, policies and rules are appropriate as District Council matters. For example, the Natural Character and the Margins of Waterbodies chapter (see further comments below).

Royal Forest & Bird Protection Society of NZ Inc. (Forest & Bird)	FS34.005	Oppose	Disallow
Ruth Henschel	FS119.6	Support	Allow

Analysis

101. Buller Conservation Group (S552.005) and Frida Inta (S553.005) seek that all activities proposed as controlled and restricted discretionary should be classed as discretionary. I do not support these submissions, the activity class for any activity within the Plan should relate to its actual and potential environmental effects. To have such a blanket restriction would be excessively onerous and is unlikely to achieve the purposes and principles of the Resource Management Act – or be able to be justified through an analysis of costs and benefits as required by s32 of the Act.
102. Vance and Carol Boyd (S447.003) seek that all “catch all” non-complying activity rules be reviewed. Similarly William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J. Coll Surveying Limited (S566.335) and Laura Coll McLaughlin (S574.335) seek that all non-complying and prohibited activity rules that include the wording “not provided for in another rule” be deleted – or made Discretionary Activities.
103. Because a District Plan regulates activities on land, if an activity is not covered by a rule in the Plan, it is by default a Permitted Activity. Section 76 (4) sets out the requirements for District Plan rules. The operative Plans take different approaches to this – the Westland and Buller District Plans both have “catch all” non-complying activity rules and the Grey District Plan has no “catch all rules”. “Catch all” rules are generally used in the Plan in relation to zone provisions and in some instances could unintentionally catch activities that have negligible environmental effects. I consider that the use of “catch all” rules must be done carefully and endorse a careful review of these to ensure they are not inappropriately used in the plan.
104. I do not consider that a default amendment of such rules to a Discretionary Activity is appropriate. The rules should be set within the context of the zone for which they are used, and activity status should reflect the potential for significant adverse effects. A case-by-case review is most appropriate at the chapter level. This should identify whether the more specific rules are sufficient to address activities that have not been specifically identified but that could cause a significant adverse effect are insufficiently dealt with, given the general duty that every person has to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with existing use rights under the RMA (s. 10, 10A, 10B, and 20A) or a national environmental standard, a rule, a resource consent, or a designation. I therefore recommend rejecting the submissions of William McLaughlin (S567.395), Chris & Jan Coll (S558.335), Chris J. Coll Surveying Limited (S566.335) and Laura Coll McLaughlin (S574.335) but refer submission S447.003 of Vance and Carol Boyd to be considered within the Zone chapter s42A reports.
105. The Fuel Companies (S613.001) seek general relief that the purpose and principles of the RMA, the West Coast Regional Policy Statement and the statutory tests of Section 32 of the RMA are met. In developing TTPP, the Tai Poutini Committee considered that the TTPP was meeting the RMA requirements. An analysis undertaken under Section 32 of the RMA was also carried out for all parts of the Plan. While in the context of submissions on specific aspects of the Plan there may be argument that some provisions are not the best way of meeting the RMA and West Coast Regional Policy Statement, I do not consider that the entire Plan needs to be reviewed for consistency with those requirements. I recommend rejecting the submission.
106. Ngāi Tahu (S620.015) seek that as a matter of control or discretion within the controlled and restricted activity rules within all zone chapters that an additional matter of “effects on Poutini Ngāi Tahu values” be included. I do not consider that such an encompassing

amendment would be appropriate. Including this as a matter of Control or Discretion for all rules would create a significant additional requirement on consent applicants that often may be unnecessary. In order to assess effects on Poutini Ngāi Tahu Values significant work may be required – such as the development of a cultural impact assessment. Examples of controlled activities and restricted discretionary activities include things such as: activities not meeting external storage standards in commercial zones; and relocated buildings not meeting amenity standards in residential areas. I cannot see any merit in requiring assessment of effects on Poutini Ngāi Tahu Values in relation to such matters. There are specific controlled or restricted discretionary activities already in the plan where an assessment of effects of Poutini Ngāi Tahu Values is appropriate, on that basis, I recommend the submission is upheld in part.

107. On a similar vein Minerals West Coast (S569.037) seeks that the effects management hierarchy be applied throughout TTPP where required. I do not support this submission. I consider that in developing the Plan the Committee has considered the effects management hierarchy – within the context of the requirements of the RMA, and National and Regional Policy which TTPP is required to give effect to.
108. The New Zealand Motor Caravan Association (S490.002) seeks that camping specifically be excluded from the Plan. I do not support this submission. If camping has adverse effects on the environment, then it may need to be regulated by TTPP in order to ensure those effects are avoided, remedied or mitigated. The New Zealand Motor Caravan Association (S490.005) also submits that provisions across the plan should be amended to better support camping as an activity. Currently there are provisions in the Temporary Activities, Open Space and Recreation Zones and Rural Zones specifically around camping and the establishment of campgrounds. I consider that the merits of the regulation in these areas needs to be looked at specifically rather than with a general “supporting camping as an activity lens”. There may be locations where camping is entirely inappropriate, and this is best looked at on a spatial basis.
109. Westpower Limited (S547.027) seeks that Locational Need and Technical Need be added to all rules referring to Functional Need and/or Operational Need. I do not consider this to be appropriate. Functional or Operational Need are specific matters where there is direction in higher order documents – the NZCPS refers to functional or operational need for example, and both Functional Need and Operational Need are defined in the National Planning Standards. I note that there is also a submission from Westpower Limited seeking changes to these definitions to incorporate Locational and Technical needs and the merits of this are discussed further in the Definitions part (Section 12) of this report.
110. Davis Ogilvie and Partners Ltd (S465.038) seeks to correct references in the plan and that all references to “certificates of title” to be “record of title”. I support this and recommend that amendment.
111. Davis Ogilvie and Partners Ltd (S465.039) also seek that references to NZS 4404: 2010 be supplemented to refer to any subsequent engineering standards adopted by Council as NZS 4404:2010 is likely to be updated over time. NZS 4404: 2010 is a document incorporated by reference. Sections 30 and 31 of Schedule 1 of the RMA relate to material incorporated by reference. While I agree with the sentiment of the submission, unfortunately Schedule 31 is clear that updates can only be incorporated by Variation or Plan Change and therefore I cannot support this submission point.
112. Frida Inta (S553.232) seeks that all residential (including settlement) zones should have an air pollution rule added in. Discharges to air are a matter regulated by Regional Councils under Section 30 of the RMA. They do not form part of the matters that are the subject of district plans or territorial authorities as outlined in S31 of the RMA. Accordingly, I do not support this submission.
113. Chris and Jan Coll (S558.001, S558.333), William McLaughlin (S567.001, S567.393) Chris J. Coll Surveying (S566.333) and Laura Coll McLaughlin (S574.001, S574.333) seek that references to compliance with standards (e.g. permitted activity standards or performance standards) be amended to accommodate pre-existing non-compliance that

is not being exacerbated by the proposed activity. I have discussed this issue with the planning staff from the three district councils. This is something that they do not support because of the concern that a change of use or activity can mean that existing non-compliance actually aggravates adverse effects – particularly in relation to amenity issues.

114. There is an existing rule in the operative Buller District Plan that considers existing non-compliance in relation to subdivision – where this non-compliance has arisen due to compliance with a previous District Plan (or District Scheme). I have looked at the potential of considering existing non-compliance that was compliant with the previous district plans as part of the subdivision rules in TTPP. At this time, I am not persuaded the level of complexity required in assessment (ensuring that the non-compliance was compliant with a previous plan) warrants a specific exclusion. I consider that the merits of this could be debated on a case-by-case basis as part of a subdivision application – particularly as all subdivision already requires a resource consent.
115. The Department of Conservation seeks a number of amendments to terms used in the plan that I generally support. S602.003 seeks that the term “natural heritage” be amended to “natural environment”. The use of the term “natural heritage” is a drafting error and I support this amendment. S602.005 seeks that the term “native” be amended to “indigenous”. The term “native” is used through the Plan as a less technical work, to make the Plan easier for a lay reader. I accept that the term “indigenous” is more technically correct and support this submission. S602.008 seeks that the terms ‘waterway’ and ‘stream’ with ‘river’ and/or ‘waterbody’ throughout the Plan. Given that both “river” and “waterbody” are defined in the RMA (and TTPP) I consider that this submission point has merit, and such a change would provide a consistent approach for ease of interpretation of policies and rules.
116. The Department of Conservation (S602.006) also seeks that the term “impacts” be amended to “adverse effects” unless the term impacts is required for consistency with a higher order document. I do not support this submission. Impacts are often negative but can be positive. The West Coast Regional Policy Statement uses the term “impacts” extensively in its policy and the TTPP does so also. I consider that any change of policy wording needs to be considered carefully on a case – by – case basis rather than through a blanket change to the Plan. I therefore reject this submission.
117. Forest and Bird (S560.465) seek that the term “utility” be changed to the defined term “network utility” throughout the Plan. I have reviewed the use of “utility” in the Plan and see that in all instances it is referring to a network utility or network utility operation and that the absence of the word “network” is poor drafting. I therefore support the submission.
118. Buller Electricity Limited (S451.016) seek that the term network utility operator be used consistently through the plan – as there are a range of other terms that have been used. The submitter is correct – there are times when network utility, or utility or infrastructure or critical infrastructure or energy activities are used depending on the rule. The matters of consistency and definitions are substantively dealt with in the Energy, Infrastructure and Transport s42 A report, and I consider that the recommendation in relation to submission S560.465 of Forest and Bird also in part address the concerns of this submitter.
119. KiwiRail Holdings Limited (S442.093) seek that a new rule be added that requires that all buildings and structures within 5m of any site boundary with the railway corridor require a Restricted Discretionary Consent. The submitter is concerned about the safety and efficiency of the operation of the railway network. I have briefly considered the impacts of this potential rule. The railway corridor runs through Westport, Reefton, Greymouth and Hokitika as well as a number of smaller towns. When assessing the potential impacts of this rule, it is clear that it would restrict development (and redevelopment) on numerous sites within Greymouth – including in locations where redevelopment is desirable to support the strategic direction of the Plan, particularly as relates to urban

form and development. For example, there are multiple buildings on Mackay Street and Guinness Street in the Greymouth CBD that abut the railway corridor.

120. The situation is similar in Westport, where the (now unused) railway corridor runs parallel with Adderley Street. Most properties are built on to their boundary in this area. Given there are no longer trains to Westport, a setback here would seem completely unnecessary. In this location the railway corridor is also extensive – with large areas of former shunting yards that are now not in use.
121. In Hokitika the railway corridor runs through largely residential zoning. Many of these properties have existing buildings that abut the railway corridor (garage or shed).
122. In Reefton the impact of such a rule would be relatively minor as the Railway Corridor principally traverses farmland in this location.
123. In some small towns (e.g. Camerons, Paroa South) parts of the township abut the railway corridor – and are sandwiched between the State Highway and the Railway Corridor. There are already significant setbacks required from the State Highway, which I consider to be more warranted from a safety perspective, given vehicle access issues onto the State Highway. In Moana the railway corridor passes between residential dwellings and the lake front. Many sites are already quite small (350m²) and some are already built to the edge of the railway corridor.
124. In light of this spatial review, I consider that adding additional setbacks from the railway line would significantly reduce the developable area of many properties across the West Coast towns and settlements.
125. There are also restrictions placed on development of sensitive activities within 40m of the railway corridor around noise insulation. While this is to address health and safety within the dwellings, as well as reverse sensitivity issues, this is regarded by some submitters as a significant regulatory burden (refer s42A Noise Report). I consider that if restrictions on building on this land is needed to ensure the efficient and safe operation of the railway corridor, then KiwiRail Holdings Limited should designate and purchase these sites.
126. When I look at the impact of such a proposal on the areas within the General Rural Zone however, I reach a similar conclusion. Currently there are boundary setback requirements in the General Rural Zone of 10m from internal boundaries. This effectively achieves the relief sought by the submitter in these locations without any need to amend the Plan. These large setbacks have been in place in the operative plans and consequently few structures are built near to the rail corridor in the General Rural Zone.
127. Brian Anderson (S576.014) seeks that all mention of biodiversity offsetting should be removed from the Plan. Biodiversity offsetting is discussed in detail in the natural environment s42A report; however, offsetting and compensation are specifically provided for in the RMA (Sections 104 and 108 of the RMA). The submitter states that the provisions in the Plan do not reflect best practice. That is an argument for amendment of provisions – and is discussed in the Natural Environment s42A report with that lens. I reject the submission to remove all mention of biodiversity offsetting from the Plan.
128. New Zealand Heavy Haulage Association Inc (S616.015) seeks that the provisions for relocated buildings be retained. William McLaughlin (S567.394), Chris and Jan Coll (S588.334), Chris J Coll Surveying (S566.334) and Laura Coll McLaughlin (S574.334) seek that these provisions be deleted as they consider them to be unnecessary and too restrictive.
129. The rules are a considerable relaxation from the rules around relocation of buildings in the operative Grey and Westland District Plans – and are now a Permitted Activity in most zones. The rules in the proposed TTPP were amended following feedback on the draft Plan so that they generally support relocated buildings, particularly in residential areas. The definition of relocated buildings specifically excludes prefabricated housing

(which would include tiny homes built off site) and are targeted at relocation of existing buildings from one site to another. The rules do include requirements around infrastructure connections in residential areas so that health and safety is maintained. Additionally, conditions impose that repair to damage to the façade and other requirements to be met, within 12 months. This is to avoid negative impacts on the amenity of surrounding residential areas.

130. The rules do require resource consent for relocated buildings in the Town Centre Zone only, due to the specific urban design requirements of those areas. There are no additional restrictions on relocation of buildings in the General Rural Zone or industrial zones.
131. I consider that the rules take a balanced approach to supporting the relocation and reuse of existing building stock – particularly for housing, while also ensuring health and safety and amenity are retained in the new location. I recommend accepting the submission of the New Zealand Heavy Haulage Association, and rejecting those of William McLaughlin, Chris and Jan Coll, Chris J. Coll Surveying and Laura Coll McLaughlin.
132. Anthony Eden (S578.004) is concerned about the combined impacts of the Plan overlays on specific areas such as Okuru and seeks a reduction in the number of overlays in order to increase the ease of non-planner readers and affected parties in using the Plan. As outlined in Section 6.3 of the report, the Plan structure has been set by the National Planning Standards and there is very limited capacity to alter this. I agree that for individual community members it can be hard to navigate. Since this matter cannot be easily addressed in the Plan, I suggest that a Method be added to the Plan. The method would outline that user-friendly information will be developed to explain the combined effect of the Plan rules for individual communities. This Method could build on the place-based information sheets that were developed for the Draft and Proposed Plan consultation process. I therefore recommend accepting the submission in part.
133. The Department of Conservation (S602.012) seeks that matters of control and discretion throughout the plan include the consideration of an assessment of alternatives, where the rules relate to managing activities within scheduled areas and SNAs. Section 108 of the RMA discusses resource consents with s108 (8) specifically identifying the need to consider alternatives in relation to discharge and coastal permits. This is also a consideration under Section 131 when Councils review resource consents. There is a general principle that where an activity is likely to have a significant adverse effect, then a consideration of alternative options should occur. I do not consider that addition of this requirement is appropriate for Controlled Activities as these must always be granted and have been carefully identified as not being likely to generate significant adverse effects. I recommend accepting that a Restricted Discretionary Activity (RDA) has the potential to generate significant adverse effects. Examples of RDA rules that relate to scheduled areas and SNAs are:
- Subdivision within Significant Natural Areas and Scheduled Areas (SUB – R9 – SUB – R11)
 - Māori Purpose Activities and Buildings within Outstanding Natural Landscapes and Features not meeting Permitted Activity Rules (NFL – R11 and NFL -R12)
 - A range of activities in relation to Heritage Buildings and Areas (HH – R6, HH – R7, HH – R8)
 - Work within the root protection area of Notable Trees (TREE – R5, TREE – R6 and TREE – R7)
 - A wide range of activities within the Coastal Environment (CE – R13 – CE – R18)
134. Having reviewed those Restricted Discretionary Activities, I consider the addition of an additional assessment criteria to include a consideration of an assessment of alternatives is appropriate. I therefore support this submission in part.

135. Te Tumu Paeroa (S440.002) seek those singular terms be used in the Plan for the following groups of terms a. Poutini Ngāi Tahu; Poutini Ngāi Tahu whānui; Poutini Ngāi Tahu community; Poutini Ngāi Tahu members; b. Poutini Ngāi Tahu land; Ancestral land; c. Cultural uses; Cultural purposes; Cultural activities.
136. I have reviewed the use of these terms in the Plan and would agree that for ease of understanding and consistency singular terms should be used in some circumstances. The first group "Poutini Ngāi Tahu; Poutini Ngāi Tahu whānui; Poutini Ngāi Tahu community; Poutini Ngāi Tahu members" I consider could be simplified to "Poutini Ngāi Tahu", as there is a definition encompasses the other terms.
137. The second group – Poutini Ngāi Tahu land and Ancestral land are not used interchangeably in the Plan. Ancestral land includes land formerly owned by Poutini Ngāi Tahu, whereas Poutini Ngāi Tahu Land is land which is currently owned by Poutini Ngāi Tahu.
138. The third group "Cultural uses; Cultural purposes; Cultural activities" are largely used interchangeably and I therefore recommend they be simplified to Cultural Purposes.
139. Accordingly, I support the submission of Te Tumu Paeroa (S440.002) in part.
140. Ngāi Tahu (S620.006) seek that throughout the plan references to "site coverage" be amended to "building coverage". I do not support this submission. Site coverage is a different matter to building coverage as site coverage includes all impermeable surfaces. The adverse effects being managed in relation to Site coverage relate to generation of stormwater and flooding effects. Building coverage often addresses this issue also, but is also concerned with the bulk and extent of structures on a site. I do accept however that there is no clear definition of Site Coverage or Building Coverage in the Plan, and that this matter is not clearly articulated.
141. Cape Foulwind Staple 1 Ltd (S557.006) and Cape Foulwind Staple 2 Ltd (S568.014) seek clarification of the definition of Site Coverage v Building Coverage if Council wants to use the two terminologies. They seek consistency across the use of the TTPP in relation to the use of Site Coverage v Building Coverage in its rules.
142. The term Site Coverage is not defined in the Plan but is a term that relates to the amount of impermeable surface and as a consequence stormwater generation from a site. The term Building Coverage is defined in the national planning standards and is used to manage a combination of impermeable surfaces but also the amount of bulk and substantive development on a site. Building coverage therefore addresses a combination of amenity and stormwater issues.
143. I have reviewed the Plan and consider that the terms are used inconsistently. In all but one instance the Permitted Activity rules refer to Site Coverage, with controlled and restricted discretionary activity rules referring to Building Coverage. On review of the section 32 reports, and my recollection of the rule development process I consider this to be a drafting error. The principal concern for coverage matters on the West Coast relates to the impact on stormwater infrastructure and the effect of large paved areas causing flooding of adjacent properties. There are a range of policies that specifically address this as it is a substantive problem on parts of the West Coast. Accordingly, I recommend that the submission be accepted and that the term "Building Coverage" be replaced with "Site Coverage" where it is used within the Plan. I have identified this will affect the following rules: NCZ – R10, GRZ R-16, GRZ R-17, GRZ R-18, LLRZ – R14, MRZ – R11, SVZ – R1. In order to remove any confusion I also propose a definition of Site Coverage to be included within the Plan.
144. Straterra (S536.025) seek that the term "avoid" be removed from the Plan where it is not used within the wider effects management hierarchy. Straterra is concerned that where it is used without the terms, remedy or mitigate that this is implying that an activity should not occur. The term "avoid" is indeed used within policies in the Plan where the policy is making clear that an activity is inappropriate and is used to support a number of non-complying activity rules. The term is providing that exact clarity about

what activities are inappropriate. Examples where this use of the word avoid in policy supports rules include the more restrictive natural hazards rules, as well as the protection of the most significant natural values. This is supported by the direction of Section 6 of the RMA and the weight that should be placed on these matters. I do not support this submission.

145. Minerals West Coast (S569.002) seek that plan be amended to uphold and provide for the strategic objectives as regards minerals activities. They seek amendments across the plan to do this, although their submission does not identify what parts of the Plan they are concerned about. I do not support this submission. There are a range of strategic objectives that sit across the Plan. The minerals extraction strategic objectives are one part of the overall strategic direction. In developing the Plan, the strategic direction as a whole was considered, as well as the requirements of the RMA, other national direction and the WCRPS. As will be discussed further in the Mineral Extraction topic, the Plan already places a high weight on the value of development of mineral extraction opportunities and is relatively permissive as regards these activities. In that respect I consider that the mineral extraction strategic objectives have been appropriately considered within the Plan drafting.
146. Waka Kotahi NZ Transport Agency (S450.00342) seeks that performance standards be clearly identified in a separate table (believing this to be a requirement of the national planning standards) and that there be a separate rule for the specific matters currently identified as Rule 1.
147. The National Planning Standards do not set out any specific requirements for how rules should be structured – or even require these to be included within a table. It is acknowledged that the first few Councils who have undertaken a new plan as an eplan have chosen to write their rules this way, but this is not a planning standards requirement.
148. The submission seeks a substantial restructuring of the Plan however the proposal would not make the plan simpler, just structured differently. I therefore do not support this submission.
149. Vance and Carol Boyd (S447.004) seek that the specific spatial extent of scheduled areas be outlined in the schedules. Many scheduled areas, such as Outstanding Natural Landscapes and areas of Outstanding and High Natural Character cover multiple properties across large areas. Some scheduled areas such as Significant Natural Areas, Outstanding Natural Features, Sites of Areas of Significance to Māori and Historic Heritage cover much smaller areas. All the scheduled areas are mapped in the Plan, and it is possible to zoom into an individual property to see the extent of the scheduled area. I agree that where possible it would be desirable to provide a more detailed description of the spatial extent of the scheduled areas. I support this submission in part.
150. Grey District Council (S608.498) seek a review of whether all matters in the objectives, policies and rules are appropriate as District Council matters. They cite for example the Natural Character and the Margins of Waterbodies chapter. While there are topics with overlap in function (eg Natural Hazards, Biodiversity) between the Regional and District Councils in the preparation of the Plan, considerable care was taken to ensure that only matters specifically delegated to district councils are addressed in the Plan.
151. I acknowledge that there is a specific area of overlap of Rules in the Natural Character and the Margins of Waterbodies Chapter with Rules in the West Coast Regional Land and Water Plan. That is because under Section 9 of the RMA district councils are required to address matters of natural character and biodiversity on land and riparian areas, whereas the regional council is focused principally on water quality matters in that location. A similar overlay of topic – but not function occurs with earthworks. The regional council regulates bulk earthworks with a focus on water quality and soil conservation, the Plan, under the district council function regulates earthworks with an amenity and natural hazards focus.

152. The Operative Grey District Plan takes an approach of where there is an overlap of function (Margins of Waterbodies, Earthworks) these matters are not regulated by the Grey District Plan, and are referred to the Regional Council regulation. They are however already regulated in the Operative Buller and Westland District Plans.
153. Whether the level of regulation is appropriate given the overlap in Rules is a matter that I consider is looked at in relation to those specific provisions. I do not consider there to be a Plan – wide issue to address.

Recommendations

154. That all references to “certificates of title” in the Plan be amended to be “record of title”.
155. That submission S447.003 of Vance and Carol Boyd to be considered within the Zone chapter s42A reports.
156. That the term “natural heritage” be replaced with “natural environment” anywhere it is used in the Plan.
157. That the term “native” be replaced with “indigenous” anywhere it is used in the Plan.
158. That the terms “waterway” and “stream” be replaced with “river” anywhere it is used in the Plan
159. That the term “utility” is replaced with “network utility” anywhere it is used in the Plan.
160. That a Method be added to the Plan in the Settlement Zone which outlines that user-friendly information will be developed to explain the combined effect of the Plan rules for individual communities.
161. That an additional assessment criterion “Consideration of an assessment of alternatives” be added to the following Restricted Discretionary Activity Rules – SUB – R9, SUB – R10, SUB – R11, NFL – R11, NFL – R12, HH – R6, HH – R7, HH -R8, TREE – R5, TREE – R6, TREE – R7, CE -R13, CE -R14, CE -R15, CE -R16, CE -R17 and CE -R18 and as a consequential amendment, any other Restricted Discretionary Activity Rules that relate to SNAs and Scheduled Areas.
162. That the terms “Poutini Ngāi Tahu whānui; Poutini Ngāi Tahu community and Poutini Ngāi Tahu members” be replaced with the term Poutini Ngāi Tahu anywhere it is used in the Plan.
163. That the terms “Cultural Uses and Cultural Activities” be replaced with “cultural purposes” anywhere it is used in the Plan.
164. That the term “Building Coverage” be replaced with “Site Coverage” anywhere it is used in the Plan.
165. That the term Site Coverage be defined in the Plan as follows: Site Coverage means the proportion of a site that is covered by buildings, decks and paving, including concrete, asphalt, brick, stone and precast concrete slabs.
166. That a more detailed description of the spatial extent be provided for the scheduled areas within the schedules.
167. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

6.7 Submissions seeking a greater weight on economic growth and social outcomes

168. There are five submissions and 7 further submissions that seek that the Plan as whole place a greater weight on economic growth and social outcomes.

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
--------------------	------------------	----------	--------------------

Development West Coast (S484)	S484.002	Support in part	Whilst it is accepted that potential adverse effects on the environment must be appropriately managed DWC seeks that in developing, determining matters arising, and finalising the plan and provisions that the TTPP does not reduce economic growth and/or employment when assessments are made pursuant to Section 32 of the RMA
West Coast Federated Farmers of New Zealand	FS103.007	Support	Allow
West Coast Regional Council (S488)	S488.038	Oppose in part	Review the proposed Plan to ensure the social and economic impact of the pTTPP provisions is justly balanced with the Community's cultural well-being, and for their health and safety, while sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.
West Coast Federated Farmers of New Zealand	FS103.006	Support	Allow
Marie Elder	FS77.36	Support	Allow
Royal Forest & Bird Protection Society of NZ Inc. (Forest & Bird)	FS34.004	Support	Allow
Westpower Limited (S547)	S547.003	Amend	In determining the plan matters arising ensure that Policy 2, Chapter 4 - Resilient and Sustainable Communities, is given effect
West Coast Federated Farmers of New Zealand	FS103.0010	Support	Allow
Rosalie Sampson (S539)	S539.007	Amend	Review the plan so that it is less restrictive of development
Scenic Hotel Group (S483)	S483.019	Oppose	Better address long term environmental and economic sustainability within the Plan.

Neil Mouat	FS54.36	Support	Allow
Neil Mouat	FS54.37	Support	Allow

Analysis

169. Development West Coast (S484.002) and Scenic Circle Group (S483.019) seek that the Plan give a greater emphasis on economic sustainability. The West Coast Regional Council (S488.038) seeks to ensure that the social and economic impact of the Plan are balanced with other requirements. Westpower Limited (S547.003) seek that in determining plan matters arising that WCRPS Policy 2, Chapter 4 Resilient and Sustainable Communities is given effect to. Rosalie Sampson (S539.007) seeks that the plan is reviewed so that it is less restrictive of development. Scenic Hotel Group (S483.019) seek that the plan better addresses long term environmental and economic sustainability.

170. The District Plan review – TTPP development process commenced in 2018. Since that time multiple technical reports, issues and options papers have been prepared, iterations of the draft provisions have been subject to review, not only by expertis, iwi, government agencies and stakeholders and the public have had the opportunity to be involved by the public consultation process. The resultant Plan has tried to incorporate that feedback and reflect the strategic drivers of the West Coast alongside the requirements of the RMA. The section 32 reports that sit alongside the proposed provisions consider the benefits and costs of the different provisions and consider how the competing aspirations of West Coast social and economic development are balanced with requirements of the RMA. As a result of this work and analysis I consider that overall there is a strong focus on supporting economic development opportunities for the West Coast. I therefore recommend that these submissions are rejected.

Recommendations

171. That there is no change to the TTPP as a result of the above-mentioned submission points.

172. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

6.8 Submissions in relation to legal aspects of the Plan

173. There are six submissions and 1 further submission in relation to legal aspects of the Plan as a whole.

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Project and Ventures (S348)	S348.001	Amend	Total review of document with relation to legality and consequences of various provisions and inclusions
Groundswell NZ (S562)	S562.007	Not Stated	That the West Coast councils, on behalf of their constituents, highlight the failings of the RMA (particularly section 6 requirements) and lobby local and central government to make legislative changes to address these failings
Westpower Limited (S547)	S547.002	Amend	Amend provisions to meet the requirements of Section 32 of the Act
Paul Kerridge (S32)	S32.001	Not Stated	Include information in the plan on where and how the plan will be enforced

Buller Conservation Group (S552)	S552.011	Amend	Amend to include an explanation on enforcement and compliance
Frida Inta (S553)	S553.011	Amend	Amend to include an explanation on enforcement and compliance
G.T FARMS LTD (S273)	S273.001	Amend	That provisions within the Plan do not affect the day to day farming and business on Valuation numbers as following - 2574018400, 2574041600, 2574041900, 2574018100, 2574041700
West Coast Federated Farmers of New Zealand	FS103.002	Support	Allow
Groundswell NZ (S562)	S562.004	Oppose	The immediate legal effect applying to new zones such as SASMs be withdrawn

Analysis

174. Project and Ventures (S348.001) seeks a total review of the document with relation to the legality and consequences of various provisions and inclusions. They are a developer concerned that the Plan will restrict their future development prospects. The development of TTPP has been supported by legal counsel who have provided advice throughout the Plan drafting process. While there may be debate over specific provisions within the Plan I do not consider that as a whole there are questions of its legality. I therefore reject the submission.
175. Groundswell (S562.007) seeks that the West Coast Councils lobby local and central government to make legislative changes to address the perceived failings of the RMA, in particular as relates to Section 6. I consider that this is a matter that is outside of the Plan development process, which is required to comply with the RMA. I do not support the submission.
176. Westpower (S547.002) is concerned that the Plan does not meet Section 32 of the RMA. Each part of the Plan is accompanied by a Section 32 Report that outlines the work done under Section 32 of the RMA. This includes an analysis of the costs and benefits of each set of provisions. I therefore reject this submission.
177. Paul Kerridge (S32.001), Buller Conservation Group (S552.011) and Frida Inta (S552.011) seek that Plan include information on how it will be enforced. The RMA sets out the enforcement requirements for district plans, which are undertaken by the individual district councils. I do not consider it necessary to repeat this information in the Plan.
178. GT Farms Ltd (S273.001) seeks that the plan provisions do not affect the day to day farming and business on their property. District Plans have the power to set regulation across land and restrict activities. The properties in question are in the General Rural Zone with the Pounamu Protection Area Overlay and Flood Plain Overlay (part of the site) on the sites. Farming is a Permitted Activity within the zone, and the overlays present do not impact on day to day farming or business activities. In that respect I support the submission.
179. Groundswell NZ (S562.004) seek that the immediate legal effect applying to new overlays such as Sites and Areas of Significance to Māori be withdrawn. Section 86 B (3) of the RMA sets out what rules have legal effect in a proposed Plan. This includes rules that protect historic heritage, which in the RMA definitions includes Sites and Areas of Significance to Māori. I therefore reject the submission.

Recommendations

180. That there is no change to the TTPP as a result of the above-mentioned submission points.

181. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

7. General submissions on the planning maps

182. 20 submission points and 20 further submissions were received in relation to general matters in relation to the Planning Maps and Overlays.

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
KiwiRail Holdings Limited (Kiwirail) (S442)	S442.095	Support	KiwiRail supports the mapped extent of the rail lines as proposed.
William McLaughlin (S567)	S567.741	Support	Retain Rifle Range Protection Area
Chris & Jan Coll (S558)	S558.716	Support	Retain Rifle Range Protection Area
Chris J Coll Surveying Limited (S566)	S566.716	Support	Retain Rifle Range Protection Area
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.009	Amend	Add layer to emaps showing pdf page boundaries
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.010	Amend	Add hyperlink to pdf maps to link to adjoining maps
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.011	Amend	Ensure all relevant planning information is on the maps, including designation areas and special feature references
Vance & Carol Boyd	FS117.6	Support	Allow
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.012	Amend	Have more settlements with blow up maps where there are multiple zones
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o	S620.013	Amend	Show the legal boundaries for the properties and have the relevant information able to be selected

Makaawhio (Ngāi Tahu) (S620)			
Cape Foulwind Staple 2 Ltd (S568)	S568.001	Amend	That all of the Planning Maps accurately reflect the legal appellations at time of printing, and that Zones reflect appellation boundaries
Tauranga Bay Holdings Ltd	FS32.6	Support	Allow
Cape Foulwind Staple 1 Ltd (S57)	S557.001	Amend	That all of the Planning Maps accurately reflect the legal appellations at time of printing, and that Zones reflect appellation boundaries
Jane Neale (S262)	S262.007	Amend	Ensure boundaries for zones are accurate and justifiable
Grey District Council	FS1.069	Support	Allow
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.033	Amend	a. Fix the map tool information so that all property information (i.e., zones and overlays) can be identified even when an address is not available. b. Add functionality to the map tool to enable individual special purpose zones to be selected.
Bathurst Resources Limited and BT Mining Limited	FS89.053	Support	Allow
Grey District Council	FS1.406	Support	Allow
Clare Backes (S444)	S444.001	Amend	Improve the online mapping function to make it more comprehensive, to truly reflect the various zones, layers and precincts of the actual plan, and to be able to look up detail on all areas on the West Coast.
Inger Perkins (S462)	S462.035	Amend	There needs to be a means of establishing a zone or element of a map layer by a single click. All information for a location should be available including all layers that are ticked, as they are for example on the regional council's WestMaps. Include a topographic base map
Lara Kelly (S421)	S421.005	Amend	Amend the mapping programme to be easier to use and identify what provisions apply to an individual property

Grey District Council	FS1.001	Support	Allow
Inger Perkins	FS33.42	Support	Allow
Davis Ogilvie & Partners Ltd (S465)	S465.040	Amend	Enable the maps to be able to be saved and printed at a defined scale
Kevin Klempel (S276)	S276.002	Amend	Amend the planning maps so the different precincts are clearly differentiated
Greg Maitland (S571)	S571.001	Amend	Amend to clearly identify the colours on the Maps with those in the map legend
Frida Inta (S553)	S553.015	Amend	Amend planning maps special zone shading and highlight zone information
Buller Conservation Group (S552)	S552.015	Amend	Amend planning maps special zone shading and highlight zone information
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.045	Support	Retain and improve the labelling of Special purpose zones. Consider adding patterns or functionality to better distinguish between special purpose zones
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.008	Amend	Amend Legend to provide for different colour zoning for each of the Special Purpose Zones or include other identifiers that help a plan user identify the different special purpose zones.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.014	Amend	Clearly identify public conservation land on the planning maps
Westpower Limited	FS222.0325	Oppose	Disallow
Katherine Gilbert (S473)	S473.011	Amend	Clearly identify public conservation land on planning maps, as a map layer selection option
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.004	Amend	Ensure that there is a consistent approach throughout the plan in the name of an overlay. (i.e. the same name is used in the plan as well as the maps)
Buller District Council (S538)	S538.633	Support in part	As discussed in relation to the respective overlays, Council requests

			that the extent of some the scheduled sites/areas are reviewed
Rebecca Inwood (S422)	S422.002, S422.004, S422.005	Amend	Amend the extent of overlays.
Chris J Coll Surveying Ltd	FS151.003	Support S422.002	Allow
Vance & Carol Boyd	FS117.5	Support S422.002	Allow
Ruth Henschel	FS119.2	Support S422.002	Allow
William McLaughlin	FS148.019	Support S422.002	Allow
Chris J Coll Surveying Ltd	FS151.005	Support S422.004	Allow
William McLaughlin	FS148.021	Support S422.004	Allow
Chris J Coll Surveying Ltd	FS151.006	Support S422.005	Allow
William McLaughlin	FS148.022	Support S422.005	Allow
Bathurst Resources Limited and BT Mining Limited	FS89.043	Support S422.005	Allow
Grey District Council (S608)	S608.497	Amend	It is recommended that all overlays be removed, reviewed and reassessed with new overlays created
Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu	FS41.580	Oppose	Disallow
Ruth Henschel	FS119.3	Support	Allow
Gail Dickson (S407)	S407.006	Amend	Review all overlays for accuracy. Reduce the number of overlays.
Waka Kotahi NZ Transport Agency (Waka Kotahi) (S450)	S450.00343, S450.327, S450.328, S450.329, S450.330, S450.331, S450.332	Amend	Waka Kotahi recommends that all map overlays be removed, reviewed and reassessed with new map overlays created

Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.407	Amend	Only some rivers (or parts of rivers) are zoned 'waterbody' on the maps - reconsider areas zoned waterbody
Cape Foulwind Staple 2 Ltd (S568)	S568.008	Amend	That the village of Omau is correctly referenced on Planning Map 152 and removing the reference Cape Foulwind
Buller District Council (S538)	S538.087	Amend	Council seeks that road reserve boundaries are added to the maps as this is often helpful information when assessing how proposals interact with road reserve.
Bathurst Resources Limited and BT Mining Limited	FS89.006	Support	Allow

Analysis

183. Kiwirail (S442.095) support the mapped extent of the rail lines. William McLaughlin (S567.741), Chris and Jan Coll (S566.716) and Chris J Coll Surveying Limited (S566.716) support the mapping of the Rifle Range Protection Area. This support is noted.
184. Ngāi Tahu (S620.009, S620.010, S620.011 and S620.012) have sought changes to the hard copy/pdf maps of the Plan. TTPP has been developed as an e-plan in accordance with the National Planning Standards. The hard copy and pdf maps were produced as a consultation tool. There are no proposals to continue to have a separate hard copy Plan or Maps as this adds considerable costs to the maintenance of the Plan when minor amendments or Plan Changes are made. I therefore reject these submissions.
185. Ngāi Tahu (S620.013) seek that the legal boundaries for the properties are shown and that relevant information is able to be selected. Cape Foulwind Staple 2 Ltd (S568.001) and Cape Foulwind Staple 1 Ltd (S557.001) seek that the Planning Maps accurately reflect the legal appellations at the time of printing and that the Zones reflect appellation boundaries. Jane Neale (S262.007) seeks that all boundaries for zones are accurate and justifiable. Forest and Bird (S560.033) seek that the map tool be modified so that all property information can be identified even when an address is not available. They also seek that the tool be amended to enable individual special purpose zones to be selected. Inger Perkins (S462.035) seeks that there is a means of establishing a zone or element of a map layer by a single click. She also seeks the inclusion of a topographic base map. Clare Backes (S444.001) seeks that the tool be expanded to be more comprehensive and enable people to look up detail on all areas on the West Coast. Lara Kelly (S421.005) seeks that the programme is easier to use to identify what provisions apply to an individual property. Davis Ogilvie and Partners Ltd (S465.040) seek that the maps be able to be saved and printed at a defined scale. The Buller District Council (S538.087) seek that the road reserve boundaries are added to the maps as this is often helpful information when assessing how proposals interact with road reserve.
186. The zoning was done over the period of late 2021 - early 2022 with some amendments following the draft Plan consultation in mid 2022. Since that time there have been subdivisions which have occurred, and this means that some properties could be split zoned. The printed maps/pdf are based on the property data available at the time of notification as are the e-plan maps. The base cadastral layer has been provided from the West Coast Regional Council and is updated periodically when new data is supplied

by LINZ. This does mean that the cadastral database is not “real time” – subdivisions will often have occurred that are not shown on the maps, and there will always be a lag in the cadastral data. Over time as subdivisions occur, the difference between legal boundaries and zones may warrant future plan changes. I do expect that when the Decision Plan is issued that there will be a substantial update to the cadastral layer which may address some of these submitter concerns. I also understand that work is underway to bring the Plan into WestMaps which many West Coasters use as their preferred mapping tool. Those plans may take some time to come to fruition. In that there are projects underway to address these submitter concerns, I recommend accepting these submissions in part.

187. In terms of the proposals to improve e-map functionality these are supported. However the costs to improve the functionality of the e-plan tool are significant. The WCRC is one of a large number of councils using this tool (which was built to specifically support New Zealand E-plans), and each council is contributing ongoing costs to its development. The councils jointly prioritise improvements in functionality. I consider that already the tool offers substantial improved functionality over the operative plan maps in that individual properties can be zoomed into, and layers turned on and off. The proposals to improve the tool put forward by these submitters will be included in the priorities put forward by the WCRC, however that does not mean they will be immediately addressed. I therefore recommend accepting these submissions in part.
188. There are several submissions about the colours and the way precincts and zones are shown on the maps. Kevin Klempel (S276.002) seeks to better differentiate Precincts, Greg Maitland (S571.001) seeks that the maps colours and the legend be easier to identify, Frida Inta (S553.015) and Buller Conservation Group (S552.015) seek that the special zone shading better differentiate between the different special zones. Forest and Bird (S560.045) and Ngāi Tahu (S620.008) seek that the labelling of special purpose zones be improved.
189. I agree that Precincts and Special Purpose Zones in particular are hard to distinguish. Within the constraints outlined above in terms of cost and timing I support these submissions.
190. Forest and Bird (S560.014) and Katherine Gilbert (S474.011) seek that public conservation land (PCL) be shown on the maps, as a map layer selection. I have checked with the mapping team and this is a relatively simple exercise and given the extent of PCL on the West Coast consider it a useful addition to the maps. I therefore support this submission. I have also checked regarding the inclusion of a topomap as a basemap option. This is also a relatively simple exercise and I also support this addition.
191. Ngāi Tahu (S620.004) seek a consistent approach throughout the plan in the name of an overlay (i.e., the same name is used in the plan as well as the maps). I support this submission.
192. I have identified the following situations where overlays are inconsistently named on the maps compared with the Plan:
- Main Street Frontage Control (should be Main Street Frontage Streets)
 - Sites of Significance to Māori (should be Sites and Areas of Significance to Māori)
 - Archaeological Area (should be Archaeological Site)
 - Airport Noise Contours (should be 50dBA Noise Contour Boundary and 55 dBA Noise Contour Boundary)
 - Natural Hazard Overlays – these are variously referred to on both the maps and within the plan inconsistently e.g. Coastal Tsunami Overlay, Coastal Tsunami Hazard Overlay, . The correct term should be Coastal Tsunami Hazard Overlay. Similarly, the Flood Susceptibility Hazard Overlay is sometimes – and on the maps, referred to as the Flood Hazard Susceptibility Overlay.

193. There is also inconsistency within the plan where several overlays are referred to as both a singular and plural (e.g. Area and Areas) and Historic Heritage Items and Areas are referred to in a number of ways.
194. Waka Kotahi (S450.00343, S450.327, S450.328, S450329, S450.330, S450.331, S450.332) seek that the map overlays be reviewed and amended – this is because in many instances the overlays fall over the road corridor including the State Highway. I do not support the wholesale removal of overlays from land within the road corridor. A road or state highway may traverse, for example, through an outstanding landscape or natural feature and while the road is not a natural part of the feature or landscape, like other human structures and development, its presence may not be detracting significantly from the values. I therefore reject these submission points.
195. The Buller District Council (S538.633), Grey District Council (S608.497), Gail Dickson (S407.006) and Rebecca Inwood (S422.002, S422.004 and S422.005) seek that the overlays/schedules are reviewed. While the Buller District Council supports in principle identification of sites and areas with high natural and cultural values, there is concern with the extent of these sites/areas as discussed in relation to the respective overlays. The submitters are concerned that the mapped extent of the scheduled sites cover large areas encompassing a range of existing land uses and there is potential for unexpected restrictions where this may not be warranted. I support these submissions in part in that the spatial extent of overlays and schedules will be reviewed in response to specific submissions. I do not consider that a wholesale review of all schedules and overlays is required.
196. Ngāi Tahu (S620.407) identify that some rivers (or parts of rivers) are zoned “waterbody” on the maps – but this does not cover the complete extent of the waterbodies. This arises because of the problem with the base cadastral data. There are large numbers of waterbodies on the West Coast, where these are in public conservation land (PCL), they are often not separated in a title from the wider Crown estate. Some PCL land blocks cover very extensive areas.
197. The topographic data on locations of waterbodies is also not consistent. Many rivers have moved substantially since when they were surveyed – often more than 100 years ago. Currently there is no accurate data set of waterbodies on the West Coast.
198. The Plan does regulate the surface of waterbodies (though these are not “zoned” as such) so where possible waterbodies should be identified. As a result the maps use the LINZ Hydro layer as the least bad option for identifying where waterbodies are. Unfortunately, currently there is no better data set.
199. Cape Foulwind Staple 2 Ltd (S568.008) seek that the village of Omau is correctly referenced on Planning Map 152 and removing the reference Cape Foulwind. The hard copy / pdf planning maps were included with the proposed Plan to support consultation, at this stage there are no plans to produce hard copy/pdf maps on an ongoing basis. However, I note that the NZ Topo Maps online identify the settlement as Cape Foulwind and that this is a more widely recognised name. If new hard copy/pdf planning maps are produced or the decision plan I support them including the name Omau for the name of the settlement.

Recommendations

200. That improvements to the functionality of the maps be made, where possible, to allow:
- selection of individual properties and layers and individual special purpose zones,
 - the better distinguishing of precincts and special purpose zones and allow selection of these separately,
 - improvements to the search tool so that all property information can be identified even when an address is not available, and
 - saving and printing of maps at a defined scale

- identifying road reserve boundaries and having these as a separate selectable layer.
201. That the most up to date cadastral base be used in the Decision Plan maps.
202. That all overlays be consistently named on the maps and through the Plan as follows:
- Main Street Frontage Control Street
 - Sites and Areas of Significance to Māori
 - Historic Heritage Items and Areas
 - Archaeological Site
 - 50dBA Noise Contour Boundary
 - 55dBA Noise Contour Boundary
 - Coastal Tsunami Hazard, Lake Tsunami Hazard, Westport Hazard, Flood Susceptibility Hazard, Flood Severe Hazard, Land Instability Hazard, Coastal Severe Hazard, Coastal Alert Hazard, Flood Plain Hazard, Hokitika Hazard
 - Consistent use of the singular for Main Street Frontage Control Street, Rifle Range Protection Area, Airport Approach Path
203. That a topographic base map be added to the map tool.
204. That the public conservation estate be added to the map tool as a separate, selectable layer.
205. That if hard copy / pdf maps are produced the settlement of Omapu is correctly identified on those maps.
206. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

8 Submissions on the Introduction Section

207. The Introduction chapter of TPP is broken into two sections, a Mihi and a description of the districts. The planning standards require that these headings are used in this order in the Introduction chapter, but there are no stated requirements relating to the content of these sections.
208. 18 submission points, and 2 further submissions were received in relation to the Introduction chapter – 17 of these are to the Description of the Districts section.

8.1 Submissions on the Mihi section

209. There was one submission on the Mihi section.

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.018	Support	Retain wording as notified. Graphics or photos need to be added to these pages based on imagery requested from Poutini Ngai Tahu

Analysis

210. The support is noted. I consider that inclusion of appropriate graphics would enhance the mihi and support this.

Recommendations

211. That graphics be added to the mihi section.

212. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

8.2 Submissions on the Description of the Districts Section

213. There are 17 submissions and 2 further submissions on the Description of the Districts Section.

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
TiGa Minerals and Metals Limited (S493)	S493.002	Support	Retain the strong history of mining, and current reliance on mining as notified
Birchfield Coal Mines Ltd (S601)	S601.002	Support	Retain the history of the three districts and highlight the strong history of mining as notified
BRM Developments Limited (S603)	S603.002	Support	Retain the history of the three districts and highlight the strong history of mining as notified
Birchfield Ross Mining Limited (S604)	S604.002	Support	Retain the history of the three districts and highlight the strong history of mining as notified
Phoenix Minerals Limited (S606)	S606.002	Support	Retain the strong history of mining, and current reliance on mining as notified
Whyte Gold Limited (S607)	S607.002	Support	Retain the history of the three districts and highlight the strong history of mining as notified
Papahaua Resources Ltd (S500)	S500.001	Support	Retain the history of the three districts and highlight the strong history of mining as notified
Federated Farmers of New Zealand (S524)	S524.001, S524.002	Support	Retain the description and significance of agriculture/primary production to the West Coast as notified.
New Zealand Defence Force	FS31.0010	Support S524.001 in Part –	Allow in part
Te Runanga o Ngai Tahu, Te Runanga o Ngati Wawa, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.019	Support	Retain as notified
WMS Group (HQ) Limited and WMS Land Co. Limited (S599)	S599.170	Support	Retain as notified
Richard Arlidge (S419)	S419.001	Amend	Amend Introduction to more fully discuss the history and geography of the West Coast as outlined in the submission

Richard Arlidge (S419)	S419.003	Amend	Page 8 "Reefton is Tai o Poutini's only inland town". The Proposed Plan should add that Rūnanga, Moana, Kumara and Blackball are all inland towns and these will all expand and evolve as the effects of sea level rise are felt in the coastal communities identified above
Richard Arlidge (S419)	S419.004	Amend	Page 9 The Grey District Add tourism to the description of the economy
Buller Conservation Group (S552)	S552.017	Amend	Include other pa sites such as Carters Beach (Westport) and Hokitika River (Westland) in introduction
Frida Inta (S553)	S553.017	Amend	Include other pa sites such as Carters Beach (Westport) and Hokitika River (Westland) in introduction
The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.012	Amend	Amend the 2nd paragraph of Buller District Te Waipounamu is spelt with a hyphenated 's'. There is no 's' in the Maori language.
The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.013	Amend	Westland District 2nd Paragraph amend to read: aotea stone, which is a taonga for Ngāti Māhaki ki Makaawhio and the ancestral descendants of the tipuna that were allocated land in Awarua (South Westland) by the 1879 Young Commission,
The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.014	Amend	Māwhera river - 5th paragraph. Māwheranui is the full name of the river. Amend Māwhera to Māwheranui
Westpower Limited (S547)	S547.004	Amend	(1) Add a paragraph at the end of the first general section (ie. new 6th paragraph), Energy and Infrastructure have historically been, and will continue to be, important for the social, economic and cultural wellbeing of the communities of the West Coast. The construction and operation of energy activities and infrastructure provide for, and ensure, connections between communities and enables resilient and sustainable communities on an ongoing basis. Access to, and use of, renewable energy assists the community to achieve improved environmental outcomes.
Radio New Zealand Limited (RNZ)	FS141.002	Support	Allow

Frida Inta (S553)	S553.209	Amend	Contents in pdf plan contains a typo POU - Poutini Ngāi
-------------------	----------	-------	---

Analysis

214. TiGa Minerals and Metals Limited (S493.002), Birchfield Coal Mines Ltd (S601.002), BRM Developments Limited (S603.002), Birchfield Ross Mining Limited (S604.002), Phoenix Minerals Limited (S606.002), Papahaua Resources Ltd (S500.001), WMS Group (HQ) Limited and WMS Land Co. Limited (S599.170) and Whyte Gold Limited (S607.002) all support the history of the districts and the highlighting of the strong history of mining across the West Coast. Federated Farmers of New Zealand (S524.001, S534.002) support the description of and identification of the significant of agriculture/primary production to the West Coast. Ngāi Tahu seek that this section be retained as notified. This support is noted.
215. Richard Arlidge (S419.001, S419.003 and S419.004) seeks expansion of the Description of the Districts to more fully discuss the history and geography of the West Coast, inclusion of more information on small inland towns and the likely effects of climate change, and the addition of tourism to the description of Grey District's economy. Buller Conservation Group (S552.017) and (S552.017) seek that other pā sites be mentioned in the introduction,
216. Māwhera Incorporation seek a range of amendments to correct spelling (S621.012, S621.014) and to provide further detail around aotea as a taonga (S621.013). I consider that the amendments proposed are appropriate.
217. Westpower Limited (S547.004) seeks to add further information around energy and infrastructure.
218. This chapter is not intended to be a comprehensive introduction to the districts and has no statutory weight. Generally, I do not consider that it is necessary to add more information into the chapter, however I regard it to be important that spelling and reference to Māori names is correct. In relation to the Māwhera Incorporation submission around the Māori name of New Zealand, this is proposed to be altered as outlined in Section 6.5 above.
219. Frida Inta (S553.209) identified that there is a typographic error in the contents section of the pdf Plan. This is noted.

Recommendations

220. That Māwhera River be amended to Māwheranui River in the Description of the Districts chapter.
221. That the Description of the Districts chapter, Westland District 2nd Paragraph be amended to read: aotea stone, which is a taonga for Ngāti Māhaki ki Makaawhio and the ancestral descendants of the tipuna that were allocated land in Awarua (South Westland) by the 1879 Young Commission
222. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

9. Submissions on the How the Plan Works Chapter

223. The How the Plan Works Chapter is made up of four sections – Statutory Context, General Approach, Cross Boundary Matters and Relationships Between Spatial Layers.

9.1 Submissions on the Statutory Context

224. There are fifteen submissions and 3 further submissions on the Statutory Context.

Submissions

Submitter Name	Submission	Position	Decision Requested
----------------	------------	----------	--------------------

/ID	Point		
Buller Conservation Group (S552)	S552.019	Amend	Add new section to list other relevant legislation, plans and documents: <u>When administering the Plan and assessing resource consent applications Council must also consider under Section 104 other relevant regulations, legislation, plans and documents including the following:</u>
Frída Inta (S553)	S553.019	Amend	Add new section to list other relevant legislation, plans and documents: <u>When administering the Plan and assessing resource consent applications Council must also consider under Section 104 other relevant regulations, legislation, plans and documents including the following:</u>
Buller Conservation Group (S552)	S552.018	Amend	Amend to put the RMA in a box at the top of the family tree.
Frída Inta (S553)	S553.018	Amend	Amend to put the RMA in a box at the top of the family tree.
Buller Conservation Group (S552)	S552.188	Amend	Amend to Include the following: <u>General Duty to Comply 1. No person may use any land in a manner which contravenes a rule in this Plan unless the activity is expressly allowed by a resource consent, or is an existing use allowed by Section 10 of the Act. Any activity which is not specifically referred to in the Plan or does not fall within the limits of permitted, controlled or discretionary activities is deemed to be a non-complying activity and will require a resource consent.</u>
Westpower Limited	S552.188	Oppose	Disallow
Frída Inta (S553)	S553.188	Amend	Amend to Include the following: <u>General Duty to Comply 1. No person may use any land in a manner which contravenes a rule in this Plan unless the activity is expressly allowed by a resource consent, or is an existing use allowed by Section 10 of the Act. Any activity which is not specifically referred to in the Plan or does not fall within the limits of permitted, controlled or discretionary activities is deemed to be a non-complying activity and will require a resource consent.</u>

Transpower NZ Ltd	FS110.001	Oppose	Disallow
Westpower Limited	FS222.0116	Oppose	Disallow
The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.015	Amend	Amend second paragraph under figure 2 to include that Māwhera Inc is the legislated as an iwi authority over properties owned and managed by Māwhera Inc
The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.036	Amend	Consequential amendment from definition of Tangata Whenua and manawhenua
The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.037	Amend	Amend to state that <u>Māwhera Inc. possess the exclusive right of Rakatirataka, Kaitiakitaka, Mauri, Mahika Kai Ki Uta Ki Tai, Waihi Tapu, Taoka, and Resources of Significance.values over the properties that Māwhera own and manage</u>
West Coast Fish and Game Council (S302)	S302.001	Support	Add new item to the list of entities to be given specific consideration when deciding whether any person is affected: <u>In relation to the habitats of sports fish or game birds, the West Coast Fish and Game Council.</u>
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.020	Amend	Amend to paragraph 3 to include the following wording: ... <u>On the West Coast/Te Tai o Poutini the Statutory Acknowledgement Areas are: Ōkari Lagoon, Taramakau River, Kōtukuwhakaoka (Lake Brunner/Moana), Lake Kaniere, Pouerua-hāpua (Saltwater Lagoon), Ōkārito Lagoon, Makaawhio (Jacob's River), Karangarua Lagoon, Tititea/Mount Aspiring and Lake Paringa. The West Coast Councils will consider Te Rūnanga o Ngāi Tahu and the.....</u>

Analysis

225. Buller Conservation Group (S552.019) and Frida Inta (S552.019) seek a new section be added to the Plan which lists other relevant legislation, plans and documents. The Plan already includes a section that references relevant National Environmental Standards and National Policy Statements. I consider that these are the key other regulations that Councils must consider when processing resource consents. While there may be other relevant legislation or plans that should be considered in the case of an individual resource consent (e.g., the Conservation Act when activities are proposed on Public

Conservation Land) I do not consider that it is necessary or particularly useful to exhaustively list all the potential documents that impact on any particular activity.

226. Buller Conservation Group (S552.018) and Frida Inta (S552.018) seek that the RMA be put at the top of the diagram which attempts to explain the relationships between the planning instruments that have been prepared under it. The title of the diagram is "RMA Plan relationships" and I think provides sufficient information, alongside the text underneath the diagram.

227. Frida Inta (S552.188) and the Buller Conservation Group (S552.188) seek that a General Duty to Comply statement within this section. They provide wording beyond this however which suggests that any activity that is not a Permitted, Controlled or Discretionary Activity is deemed to be a non-complying activity which is not correct. I consider that having a General Duty to Comply statement has merit, although I propose different wording that covers the range of statutory instruments under the RMA and consider this is best located in the "How the Plan Works" section as follows:

"Compliance with Te Tai o Poutini Plan and the RMA does not remove the need to comply with all other relevant acts, regulations, bylaws and rules. It is the applicant's responsibility to identify and understand all requirements they are required to comply with.

Where compliance is required under any other legislation, including a bylaw, it is the responsibility of the applicant to comply with that legislation.

Conversely, activities that may be allowed or permitted under other regulatory requirements, such as the Building Act 2004, may still require resource consent.

Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with existing use rights under the RMA (s. 10, 10A, 10B, and 20A) or a national environmental standard, a rule, a resource consent, or a designation."

228. Māwhera Incorporation (S621.015) seek that the Plan identify that Māwhera Incorporation is legislated as an iwi authority over properties owned and managed by Māwhera Incorporation. Reflecting this position, their submission points S621.036 and S621.037 seek consequential amendments to identify that Māwhera Incorporation are mana whenua and possess exclusive rights over the properties that Māwhera Incorporation own and manage. I refer to the Order in Council that set up the Māwhera Incorporation – the Māwhera Incorporation Order 1976. This states "(1) *The beneficial owners of the land described in the Schedule (being reserved land within the meaning of the Maori Reserved Land Act 1955) are hereby constituted a Maori incorporation, to be known as the Proprietors of Mawhera, under and subject to the provisions of Part 4 of the Maori Affairs Amendment Act 1967.*

(2) The objects of the Incorporation are:

(a) to receive from the Maori Trustee all land transferable by him to the Incorporation in accordance with the provisions of section 15A(6) of the Maori Reserved Land Act 1955:

(b) to use, manage, and administer any land or interests in land for the time being vested in or owned by the Incorporation."

229. The definition in the RMA of Iwi Authority is "iwi authority means the authority which represents an iwi and which is recognised by that iwi as having authority to do so".

230. There is nothing in the Order in Council setting up Māwhera Incorporation that provides any basis for the identification of Māwhera Incorporation as an Iwi Authority.

231. I then consider the Ngāi Tahu Claims Settlement Act 1998. Section 9 of this Act states "For the purposes of this Act and any other enactment, unless the context otherwise requires, **Ngāi Tahu** and **Ngāi Tahu Whānui** each means the collective of individuals who descend from the primary hapū of Waitaha, Ngāti Mamoe, and Ngāi Tahu, namely Kāti Kurī, Kāti Irakehu, Kāti Huirapa, Ngāi Tuahuriri, and Kai Te Ruahikihiki". Further

Sections 5 and 6 of this Act (the Apology by the Crown) acknowledges that Ngāi Tahu are tāngata whenua and hold rangatiratanga within the Ngāi Tahu Whānui takiwā: "*the Crown recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui*"

232. Section 5 of the Te Rūnanga o Ngāi Tahu Act 1996 considers what is the takiwa of Ngāi Tahu Whānui – all of the West Coast is included within this description. Further this Act states under Section 15 (1) that Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as the representative of Ngāi Tahu Whānui. 15 (2) goes on to state "where any enactment requires consultation with any iwi or with any iwi authority, that consultation with respect to matters affecting Ngāi Tahu Whānui, be held with Te Rūnanga o Ngāi Tahu.
233. This Act also refers to the Papatipu Rūnanga of the West Coast who are defined in the Te Runanga o Ngai Tahu (Declaration of Membership) Order 2001. There are two Papatipu Rūnanga defined in this Order in Council – Te Runaka o Kati Waewae (Ngāti Waewae) and Te Rūnanga o Makaawhio. It states "*The takiwa of Te Runaka o Kati Waewae is centred on Arahura and Hokitika and extends from the north bank of the Hokitika River to Kahuraki and inland to the Main Divide together with a shared interest with Te Runanga o Makaawhio in the area situated between the north bank of the Pouerua River and the south bank of the Hokitika River. The takiwa of Te Runanga o Makaawhio is centred at Makaawhio and extends from the south bank of the Pouerua River to Piopiotahi and inland to the Main Divide together with a shared interest with Te Runaka o Kati Waewae in the area situated between the north bank of the Pouerua River and the south bank of the Hokitika River.*"
234. I consider that these Acts and Order in Council make it clear that Māwhera Incorporation is not an iwi authority, and that the iwi authority for the West Coast is Te Rūnanga o Ngāi Tahu and the two Papatipu Rūnanga are Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio.
235. The West Coast Fish and Game Council (S302.001) seek that they be recognised as being an entity that should be given specific consideration when deciding whether any person is affected. There is not a specific section of the Plan that identifies who might be affected parties, as this is decided in relation to individual resource consent. The Plan highlights only that in relation to Statutory Acknowledgement Areas, and due to the Treaty of Waitangi relationship, Ngāi Tahu are affected parties in relation to activities in this area. While the West Coast Fish and Game Council has an important role, which is supported by statute, there are many other organisations which have the potential to be affected parties in different circumstances. I therefore do not consider it appropriate to specifically list just the West Coast Fish and Game Council as a potentially affected party in relation to certain areas.
236. Ngāi Tahu (S620.020) seek to correct the list of Statutory Acknowledgement Areas as Titea / Mount Aspiring was omitted. I support this submission.

Recommendations

237. That the following amendments be made to the Description of the Districts Section:

Grey DistrictGreymouth/Māwhera is the largest town on the West Coast/Te Tai o Poutini and was established at the mouth of the Grey/Māwheraui River.....

Westland DistrictThe Westland District is where much of the pounamu still found on the West Coast is located and in South Westland, aotea stone, which is a taonga for Ngāti Māhaki ~~ki Makaawhio~~ and the ancestral descendants of the tipuna that were allocated land in Awarua (South Westland) by the 1879 Young Commission, who lived across South Westland, is also found.

238. That the following statement be added to the Plan – How the Plan Works Section.

General Duty to Comply: Compliance with Te Tai o Poutini Plan and the RMA does not remove the need to comply with all other relevant acts, regulations, bylaws and rules. It

is the applicant's responsibility to identify and understand all requirements they are required to comply with all applicable requirements.

Where compliance is required under any other legislation, including a bylaw, it is the responsibility of the applicant to comply with that legislation.

Conversely, activities that may be allowed or permitted under other regulatory requirements, such as the Building Act 2004, may still require resource consent.

Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with existing use rights under the RMA (s. 10, 10A, 10B, and 20A) or a national environmental standard, a rule, a resource consent, or a designation.

239. That paragraph 3 under the heading Te Tiriti o Wāitangi (Treaty of Waitangi) and the Resource Management Act be amended as follows: ... On Te Tai o Poutini / the West Coast the Statutory Acknowledgement Areas are: Ōkari Lagoon, Taramakau River, Kōtukuwhakaoka (Moana / Lake Brunner/Moana), Lake Kaniere, Pouerua-hāpua (Saltwater Lagoon), Ōkārito Lagoon, Makaawhio (Jacob's River), Karangarua Lagoon, Tititea/Mount Aspiring and Lake Paringa...

240. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

9.2 General Approach

241. There are 12 submissions and 8 further submissions on the General Approach section.

Submissions

Part of General Approach	Submitter Name / ID	Submission Point	Position	Decision Requested
	Buller District Council (S538)	S538.001	Support	Retain as notified, provides a helpful overview.
	Robin Alistair Nicholl	FS50.004	Support in part	Allow in part
	Silver Fern Farms Limited	FS101.0010	Support	Allow
Table 1: Classes of Activities	Misato Nomura (S151)	S151.012	Amend	To remove reference to other Permitted Activity rules within a Permitted Activity rule - In Table 1 of General Approach, the following is mentioned "Permitted activities do not require resource consent, provided standards and all other relevant rules are met." This implies that all rules within the Permitted Activities have to be met in order for an activity to be Permitted. However, throughout the entire plan, Permitted activities are referenced within other permitted activities, making it confusing for the plan user as they may assume that only the referenced rule within the permitted activity rule has to be complied.

Step 2 – Locate the relevant zone rules	Westpower Limited (S547)	S547.005	Amend	(1) Amend second paragraph of Step 2 commentary by adding a sentence, <u>... will refer you to other chapters, as required. The Area Specific Provisions (Zone Chapters) do not apply to the Energy Activities and Infrastructure Chapters, and the provisions of the Infrastructure Chapter do not apply to Energy Activities.</u>
	Transpower NZ Ltd	FS110.002	Support	Allow
	Buller Electricity Limited	FS138.002	Support	Allow
Step 2 – Locate the relevant zone rules	Manawa Energy Limited (Manawa Energy) (S438)	S438.004	Support	Manawa supports the second paragraph of Step 2 which clearly outlines the manner in which the Infrastructure, Energy, Transport, Subdivision and Temporary Activities Chapters operate in relation to the remainder of the Plan. It considers that this provides clarity to all Plan users and thereby assists in the efficient administration of the Plan.
Step 3 – Locate the relevant district – wide rules	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.046	Amend	If the term 'overlay chapters' is to be retained, amend to make clear that those chapters contain rules the also apply outside the scheduled overlays. Amend as follows: There may be several sets of district- wide rules that you need to check for your activity e.g., Subdivision rules and Earthworks rules. If there is an overlay or feature on your property you also need to check those rule sets. <u>Additionally, the 'overlay chapters' contain rules that apply district-wide, outside the scheduled overlays. For example, the Ecosystems and Indigenous Biodiversity chapter</u>
	Radio New Zealand Limited (RNZ)	FS141.003	Support	Allow
	Westpower Limited	FS222.0206	Oppose	Disallow
Step 5 – Apply for Resource Consent	Royal Forest and Bird Protection Society of New Zealand Inc.	S560.047	Amend	Amend to clarify that <u>if the works, project, or activity you are wanting to undertake requires consent for any aspect of it, a consent application is required for the whole activity. You should talk to the</u>

	(Forest & Bird) (S560)			<u>Council about whether any permitted activities may still apply.</u>
Step 5 – Apply for Resource Consent	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.048	Amend	Amend as follows: <u>Decide if you still want to undertake your activity and apply for resource consent.</u>
Step 5 – Apply for Resource Consent	Buller Conservation Group (S552)	S552.009	Amend	Amend to include the following: <u>1. No person may use any land in a manner which contravenes a rule in this Plan unless the activity is expressly allowed by a resource consent, or is an existing use allowed by Section 10 of the Act 2. Any activity which is not specifically referred to in the Plan or does not fall within the limits of permitted, controlled or discretionary activities is deemed to be a noncomplying activity and will require a resource consent.</u>
	Westpower Limited	FS222.002	Oppose	Disallow
Step 5 – Apply for Resource Consent	Frída Inta (S553)	S553.009	Amend	Amend to include the following: <u>1. No person may use any land in a manner which contravenes a rule in this Plan unless the activity is expressly allowed by a resource consent, or is an existing use allowed by Section 10 of the Act 2. Any activity which is not specifically referred to in the Plan or does not fall within the limits of permitted, controlled or discretionary activities is deemed to be a noncomplying activity and will require a resource consent.</u>
	Westpower Limited	FS222.0115	Oppose	Disallow
Information to be submitted with resource consents	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.048	Amend	Delete the limitations for AEE's with respect to controlled and restricted discretionary activities
Legal Effect of the Rules	Buller Conservation Group (S552)	S552.020	Amend	Delete: Section 86B of the RMA allows councils to seek legal effect from the time of public notification. The Te Tai o Poutini Plan Committee has yet to consider whether there are parts of the proposed Plan that

				they will seek to have legal effect at time of notification
Legal Effect of the Rules	Frida Inta (S553)	S553.020	Amend	Amend when plan is operative

Analysis

242. The Buller District Council (S538.001) supports the information provided as being a helpful overview. This support is noted.
243. Misato Nomura (S151.012) notes that Table One identifies that Permitted activities do not require resource consent, provided standards and all other relevant rules are met. She seeks the plan be amended so that there are not references to other rules to make it less confusing to the Plan user.
244. Generally, these cross references are used within rules, where otherwise an activity would not trigger some standards. For example, Rule GRZ – R1 Residential Activities and Residential Buildings. This has a number of standards for setbacks, building height, site coverage, storage of heavy vehicles. These standards are referenced in Rules GRZ – R2 Minor Structures (which could include things like garden sheds), GRZ – R4 Relocated Buildings (which could include things like a relocated garage), GRZ – R5 Home Businesses, GRZ – R7 Community Facilities etc.
245. These other rules cover activities other than Residential Activities and Buildings. If the standards in GRZ – R1 were not referenced, then these activities would not need to comply with them. An alternative approach would be to have a separate Rule 1 which lists standards that all Permitted Activities must comply with – with exemptions for specific standards provided in the Permitted Activity rules (e.g., fences being exempt from setbacks). I am not convinced that this approach is less complex however, just different.
246. Manawa Energy (S438.004) Support the second paragraph of Step 2. This support is noted.
247. Westpower Limited (S547.005) seek amendments to the text which discusses the relationship between the Energy and Infrastructure Chapters and the zone chapters. I support this text; however, I consider that if such an addition is to be made it should also refer to the Transport Chapter – as this functions in the same way so the wording I recommend reflects this.
248. Forest and Bird (S560.046) seeks clarification that there are matters within the “overlay chapters” that apply outside of the overlay – and that specifically this is the case in the Ecosystems and Indigenous Biodiversity chapter. I generally support this and note that the Ecosystems and Indigenous Biodiversity and Natural Hazard chapters are the only ones that contain rules outside of the relevant scheduled overlay. I therefore propose a modification to the proposed text to reflect that.
249. Forest and Bird (S560.047) seek that Step 5 – Apply for Resource Consent be amended to clarify that if the works, project, or activity requires consent for any aspect of it, a consent application is required for the whole activity. I support this amendment as it provides clarity for the Plan user and consider that the wording proposed is appropriate.
250. Forest and Bird (S560.048) seeks an amendment that identifies that the Plan user may want to reconsider their activity. I consider the amendment is useful to the Plan user and the wording is appropriate.
251. Buller Conservation Group (S552.009) and Frida Inta (S552.009) seek that Step 5 – Apply for a resource consent be amended to refer to Section 10 of the RMA and identify that any activity that is not specifically referred to within the Plan is deemed a non-complying activity and will require a resource consent. I do not support this proposed amendment. Under Section 9 of the RMA, activities on land are deemed Permitted

unless specified in a rule. I refer to Section 6.6 and the discussion around catch all rules which I recommend are reviewed within their appropriate context.

252. Forest and Bird (S560.048) seek that the limitations on AEE’s with respect to controlled and restricted discretionary activities as it considers they create uncertainty for the user. I consider that this amendment is appropriate. Schedule 4 of the RMA sets out the requirements for AEEs and I consider that it is best to refer users there to consider what is required.
253. Buller Conservation Group (S552.020) and Frida Inta (S533.020) seek that the section on Legal Effect of the Rules is deleted. I support these submissions. The text was included in the Draft Plan, and its deletion should have occurred when the Plan was notified.

Recommendations

254. Amend General Approach section, second paragraph of Step 2 commentary by adding a sentence, ... will refer you to other chapters, as required. The Area Specific Provisions (Zone Chapters) do not apply to the Energy, Transport and Infrastructure Chapters, and the provisions of the Infrastructure Chapter do not apply to Energy Activities.
255. Amend General Approach section, Step 3 - Locate the relevant district – wide rules as follows: There may be several sets of district- wide rules that you need to check for your activity e.g., Subdivision rules and Earthworks rules. If there is an overlay or feature on your property you also need to check those rule sets. Additionally, the Ecosystems and Indigenous Biodiversity chapter and Natural Hazards chapter contain rules that apply district-wide, outside the scheduled overlays.
256. Amend General Approach section, Step 5 – Apply for Resource Consent to include the following text: If the works, project, or activity you are wanting to undertake requires consent for any aspect of it, a consent application is required for the whole activity. You should talk to the Council about whether any permitted activities may still apply.
257. Amend General Approach section, Step 5 – Apply for Resource Consent to include the following text: Decide if you still want to undertake your activity and apply for resource consent.
258. Amend the General Approach section, Information to be submitted with resource consents as follows: ~~For controlled activities, the AEE shall only address those matters over which Te Tai o Poutini Plan has specifically reserved its control. In respect of any application for a restricted discretionary activity, the assessment shall only address those matters over which Te Tai o Poutini Plan has specifically restricted its discretion. These matters of control or discretion are detailed within Te Tai o Poutini Plan. For all other activities, The AEE should address all relevant matters relating to the actual or potential effects of the proposed activity on the environment. Information on the requirements for an AEE can be found in Schedule 4 of the RMA.~~
259. Amend General Approach, Legal Effect of the Rules to delete the following text:
~~Section 86B of the RMA allows councils to seek legal effect from the time of public notification. The Te Tai o Poutini Plan Committee has yet to consider whether there are parts of the proposed Plan that they will seek to have legal effect at time of notification~~
260. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

9.3 Submissions on Cross Boundary Matters

261. There are 4 submissions and xxx further submissions on Cross Boundary Matters.

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
--------------------	------------------	----------	--------------------

Queenstown Lakes District Council (S523)	S523.001	Amend	That the 'Cross Boundary Matters - Ngā Take Whakawhiti Rohenga' section of the Te Tai o Poutini Proposed Plan (the Plan) be amended to include the following wording in regard to cross boundary resource management issues: <u>Cross boundary issues on land that is not managed by the Te Tai o Poutini Plan. Cross boundary issues refer to situations where an activity takes place on or near a territorial boundary or where the effects of a particular activity impact on the territory of an adjacent authority, including any territorial boundary that is not managed by the Te Tai o Poutini Plan. The following procedure will be followed for such cross boundary issues: The consenting territorial authority will consider whether any resource consents are required from another territorial authority. Reference to the provisions of the Resource Management Act (1991) that relate to joint hearings will be made where an activity requires consent from two or more territorial authorities; Applicants for resource consent for activities which might have effects on an adjoining territory authority will be encouraged to consult with that authority. In the case of infrastructure networks crossing territorial boundaries, the consenting territorial authority will consult with other relevant territorial authorities and endeavour to arrive at a planning framework that provides a consistent approach to the network.</u>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.049	Amend	Add an explanation of how this Plan responds to cross boundary issues in areas where both councils have responsibilities such as margins of water bodies.
The Proprietors of Māwhera Tiamana Māwhera Incorporation (S621)	S621.016	Amend	Amend to include Māwhera Inc in the integrated management of cross boundary issues.
Buller Electricity Limited (S451)	S451.004	Amend	That the following be added under cross boundary issues: " <u>the identification of the safe and</u>

			<u>efficient functioning of the electricity transmission networks, including protecting important infrastructure from reverse sensitivity effects as an issue in respect of cross boundary matters and acknowledge the approach to consultation and consistent provisions being the means to resolving the issue"</u>
Frank and Jo Dooley (S478)	S478.061	Amend	That the following be added under cross boundary issues: " <u>the identification of the safe and efficient functioning of the electricity transmission networks, including protecting important infrastructure from reverse sensitivity effects as an issue in respect of cross boundary matters and acknowledge the approach to consultation and consistent provisions being the means to resolving the issue"</u>

Analysis

262. The Queenstown Lakes District Council (S523.001) seeks that the Cross Boundary Matters section be amended to identify a procedure for how cross boundary issues will be dealt with where they impact on an adjacent territorial authority. I support the inclusion of this statement which outlines a clear process to deal with such matters.
263. Forest and Bird (S560.049) seeks an explanation of how this Plan responds to cross boundary issues in areas where both councils have responsibilities such as margins of water bodies. I consider that the section discusses the range of methods that the four Councils will use to manage cross boundary issues is sufficient for this section.
264. Māwhera Incorporation (S621.016) seek that Māwhera Incorporation be included in the integrated management of cross boundary issues. I do not consider that there is any specific need for this. As is outlined in Section 9.1 above, I consider that the law is clear that Māwhera Incorporation are not an iwi, and for the purposes of this district plan are a landowner as is any other Māori Incorporation owning land on the West Coast.
265. Buller Electricity Limited (S451.004) and Frank and Jo Dooley (S478.061) seek that this section include text around the identification and efficient functioning of electricity transmission networks. I do not consider that the issue, or the proposed text are appropriate for this section, which is focused on inter-agency cross boundary issues, principally as regards regulatory overlap.

Recommendations

266. Amend the Cross Boundary Matters section to include the following text: Cross boundary issues on land that is not managed by the Te Tai o Poutini Plan. Cross boundary issues refer to situations where an activity takes place on or near a territorial boundary or where the effects of a particular activity impact on the territory of an adjacent authority, including any territorial boundary that is not managed by the Te Tai o Poutini Plan. The following procedure will be followed for such cross-boundary issues: The consenting territorial authority will consider whether any resource consents are required from another territorial authority. Reference to the provisions of the Resource Management Act (1991) that relate to joint hearings will be made where an activity requires consent

from two or more territorial authorities; Applicants for resource consent for activities which might have effects on an adjoining territory authority will be encouraged to consult with that authority. In the case of infrastructure networks crossing territorial boundaries, the consenting territorial authority will consult with other relevant territorial authorities and endeavor to arrive at a planning framework that provides a consistent approach to the network.

267. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

9.3 Submissions on Relationships between Spatial Layers

268. There are 22 submissions and 16 further submissions on Relationships between Spatial Layers.

Submissions

Spatial Layer Description	Submitter Name /ID	Submission Point	Position	Decision Requested
Relationships Between Spatial Layers	Westpower Limited (S547)	S547.006	Amend	1) Amend:... planning maps. These will assist you in ... apply to a specific property or activity.
	Buller Electricity Limited	FS138.003	Support	Allow
Spatial Layer Name Table - Overlays	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.409	Amend	add a description of the overlays
Spatial Layer Name Table – Development Area	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.052	Amend	Delete the development areas from the table and amend the map tools heading as follows: “Zones and Development Areas”
Relationships Between Spatial Layers Table	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.409	Support	Include Significant Natural Areas, but with acknowledgement that the rules apply to a wider area than Schedule 4 SNAs. Add <u>“Significant Natural Areas: areas of significant indigenous vegetation and significant habitats of indigenous fauna. Only some of these areas have been identified on Schedule Four. The consenting process will; be used to identify further SNAs. The rules in the Ecosystems and Indigenous Biodiversity chapter apply both to the Schedule Four areas and everywhere district wide.”</u>

	Westpower Limited	FS222.0207	Oppose	Disallow
	Susan Hall	FS35.3	Support	Allow
Spatial Layer Name Table - Precinct	Grey District Council (S608)	S608.484	Amend	Rename the Highly Productive Land Precinct the <u>Rural Production Precinct</u>
	West Coast Regional Council	FS136.007	Support	Allow in part
	Martin and Lisa Kennedy	FS221.002	Oppose	Disallow
	Horticulture New Zealand	FS55.8	Support	Allow
Rural Lifestyle Zone	Grey District Council (S608)	S608.001	Amend	Remove reference to Rural production zone.
Mineral Extraction Zone	Birchfield Coal Mines Ltd (S601)	S601.003	Amend	Amend the explanation of the Mineral Extraction Zone as follows: Areas where mineral extraction and ancillary activities are <u>enabled and</u> expected to be the predominant use.
Mineral Extraction Zone	TiGa Minerals and Metals Ltd (S493)	S493.003	Amend	Amend the explanation of the Mineral Extraction Zone as follows: Areas where mineral extraction and ancillary activities are <u>enabled and</u> expected to be the predominant use.
	Katherine Crick	FS68.19	Oppose	Disallow
	Marie Elder	FS77.12	Oppose	Disallow
Mineral Extraction Zone	BRM Developments Limited (S603)	S603.003	Amend	Amend the explanation of the Mineral Extraction Zone as follows: Areas where mineral extraction and ancillary activities are <u>enabled and</u> expected to be the predominant use.
Mineral Extraction Zone	Birchfield Ross Mining Limited (S604)	S604.003	Amend	Amend the explanation of the Mineral Extraction Zone as follows: Areas where mineral extraction and ancillary activities are <u>enabled and</u> expected to be the predominant use.
Mineral Extraction Zone	Whyte Gold Limited (S607)	S607.003	Amend	Amend the explanation of the Mineral Extraction Zone as follows: Areas where mineral extraction and ancillary activities are

				<u>enabled and</u> expected to be the predominant use.
Mineral Extraction Zone	WMS Group (HQ) Limited and WMS Land Co. Limited (S599)	S599.171	Amend	Amend the explanation of the Mineral Extraction Zone as follows: Areas where mineral extraction and ancillary activities are <u>enabled and</u> expected to be the predominant use.
Electricity Transmission and Distribution Yard	Westpower Limited (S547)	S547.007	Support	Retain
Outstanding Coastal Environment Area	Westpower Limited (S547)	S547.010	Amend	Add an additional sentence <u>Given the topography of the West Coast such areas may include energy activities and infrastructure required for servicing the communities throughout the West Coast.</u>
	Buller Electricity Limited	FS138.006	Support	Allow
Outstanding Natural Features Overlay	Westpower Limited (S547)	S547.008	Amend	Add an additional sentence. <u>Given the topography of the West Coast such areas may include energy activities and infrastructure required for servicing the communities throughout the West Coast.</u>
	Buller Electricity Limited	FS138.004	Support	Allow
Outstanding Natural Landscapes Overlay	Westpower Limited (S547)	S547.009	Amend	Add an additional sentence <u>Given the topography of the West Coast such areas may include energy activities and infrastructure required for servicing the communities throughout the West Coast.</u>
	TiGa Minerals and Metals Limited	FS104.051	Neutral	Not Stated
	Buller Electricity Limited	FS138.005	Support	Allow
High Coastal Natural Character Overlay	Westpower Limited (S547)	S547.011	Amend	Add an additional sentence, <u>Given the topography of the West Coast such areas may include energy activities and infrastructure required for servicing the communities throughout the West Coast.</u>
	Buller Electricity Limited	FS138.007	Support	Allow

General Coastal Environment Area	Westpower Limited (S547)	S547.015	Amend	Add an additional sentence, <u>Given the topography of the West Coast such areas may include energy activities and infrastructure required for servicing the communities throughout the West Coast.</u>
	Buller Electricity Limited	FS138.008	Support	Allow
Natural Hazard Overlays	Westpower Limited (S547)	S547.016	Amend	Add an additional sentence <u>Given the topography of the West Coast the Coastal Environment, including the Urban Area or Zone, may include Energy Activities and Infrastructure required for servicing the communities throughout the West Coast</u>
	Buller Electricity Limited	FS138.009	Support	Allow
Statutory Acknowledgement Areas	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.024	Amend	The following amendments are required: <u>Areas identified in Treaty Settlement Legislation the Ngai Tahu Claims Settlement Act 1998 where the Crown has made an acknowledgment of the particular cultural, spiritual, historic and traditional association of Ngāi Tahu with the statutory areas where Poutini Ngāi Tahu have a statutory acknowledgement.</u>
Nohoanga Entitlements	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.025	Oppose	Deletion of reference to this overlay from this section. If it is retained then the following amendments are required: Nohoanga Entitlements - <u>Areas identified in Treaty Settlement Legislation where Poutini Ngāi Tahu are able to establish Nohoanga the Ngai Tahu Claims Settlement Act 1998 which enable Ngai Tahu whānui to temporarily occupy sites adjacent to lakes and rivers for mahinga kai purposes</u>
Precincts	Grey District Council (S608)	S608.002	Amend	Add definition of <u>Highly Productive Land precinct</u>
	West Coast Regional Council	FS136.006	Support	Allow

	Martin and Lisa Kennedy	FS221.003	Oppose	Disallow
Overlays	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.021	Amend	Include the following description (or words to this effect) for the Pounamu and Aotea Management Area overlays: <u>Areas identified where restrictions apply to quarrying and mineral extraction activities is required.</u>
Overlays	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.051	Amend	Delete Schedule 9 from overlays. Retain as schedule with amendments as sought by Forest and Bird on SCHED 9 in this submission
Sites and Areas of Significance to Māori	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.023	Support	Retain

Analysis

269. Westpower Limited (S547.006) seeks a minor amendment to clarify that the information will assist in understanding what provisions apply to an activity. I support this submission as being a useful clarification.
270. Ngāi Tahu (S620.409) seeks that a description of the overlays be included in the table. I consider that level of information provided in the table is sufficient for this part of the Plan and that any description of overlays is best provided in the Overview section of each chapter where this information already lies.
271. Forest and Bird (S560.052) seek that the development areas section in the table be deleted and that the map tools heading be amended to Zones and Development Areas". Currently there is only one Development Area – but there is potential that others (e.g., for the Alma Road terrace at Westport) could be added through Plan Change. I therefore do not support the submission.
272. Forest and Bird (S560.409) seek that Significant Natural Areas be added to the Overlay table and provide some suggested text. Not having Significant Natural Areas in the table is a drafting error. I consider the text proposed by Forest and Bird to be appropriate in relation to the description of significant natural areas, however I do not consider that the additional text around the ecosystems and indigenous biodiversity chapters is appropriate for this table. I therefore recommend accepting this submission in part.
273. Grey District Council (S608.484) seek that the Highly Productive Land Precinct be renamed the Rural Production Precinct. I support this proposal as the name is confusing and does not relate to the National Environmental Standard for Highly Productive Land. This precinct is the subject to a number of submissions which will be discussed in the Rural Zones s42A report. Subject to decisions that arise from those submission I propose that the name of the precinct be changed as suggested.
274. Grey District Council (S608.001) identifies a drafting error in the Plan that refers to the Rural Production Zone and seeks its deletion from the table. I support this.
275. Birchfield Coal Mines (S601.003), BRM Developments Limited (S603.003), Birchfield Ross Mining Limited (S604.003), TiGa Minerals and Metals Ltd (S493.003), WMS Group (HQ)

Limited and WMS Land Co. Limited (S599.171) and Whyte Gold Limited (S607.003) seek that the description of the Mineral Extraction Zone be amended to identify that these are areas where mineral extraction is enabled. I do not support these submissions. I consider that the description of the zone reflects the intent of the Plan and the zone correctly.

276. Westpower Limited (S547.007) supports the description of the Electricity Transmission and Distribution Yard. This support is noted.
277. Westpower Limited (S547.010), (S547.008), (S547.009), (S547.011), (S547.015) and (S547.016) seek amendments to the table description of the Outstanding Coastal Environment Area, Outstanding Natural Features Overlay, Outstanding Natural Landscapes Overlay, High Coastal Natural Character Overlay, General Coastal Environment Area and Natural Hazard Overlay to outline that energy activities and infrastructure may be located in these areas. I do not consider this is appropriate. The table outlines what the overlays are. Any description of the overlays is found in the Overview section of the relevant chapters. I also note that infrastructure and energy activities are found throughout the West Coast, and I do not consider the wording proposed is necessary to the descriptions of the overlays.
278. Ngāi Tahu (S620.024) seek amendments to the wording around statutory acknowledgements. I support these amendments as they provide a more accurate explanation.
279. Ngāi Tahu (S620.025) seek deletion of the references to a Nohoanga Entitlements as there is no overlay within the Plan or rules associated. I support this.
280. Grey District Council (S608.002) identify an omission from the Precincts table which does not include the Highly Productive Land Precinct. I support its inclusion, with the amendment that my recommendation from a previous Grey District Council submission that it be renamed the Rural Production Precinct.
281. Ngāi Tahu (S620.021) identify that the Aotea and Pounamu Management Areas are omitted from the Overlays table. I support the proposed addition of them to the table and the proposed text.
282. Forest and Bird (S560.051) seeks that Schedule 9 (Lawfully Established Mineral Extraction and Processing Areas) be deleted from the Overlays Table. Schedule 9 is not an overlay. The amendments sought to the Schedule by Forest and Bird are discussed further in the Mineral Extraction s42A report. I therefore consider that no change should be made to the Table at this time and that this matter should be considered as a consequential amendment if required, depending on the decision on the substantive submission.
283. Ngāi Tahu (S620.023) support the description of the Sites and Areas of Significance to Māori in the Overlay table. This support is noted.

Recommendations

284. That the following amendment is made to the statement under the heading Relationships Between Spatial Layers: These will assist you in determining which overlays or features apply to a specific property or activity.
285. Amend the Relationships Between Spatial Layers – overlays table to include Significant Natural Areas as an overlay. Insert the following text within the table alongside the Significant Natural Areas entry. Areas of significant indigenous vegetation and significant habitats of indigenous fauna. Only some of these areas have been identified on Schedule Four. The consenting process will be used to identify further SNAs.
286. That the Highly Productive Land Precinct be renamed the Rural Production Precinct. This requires consequential changes throughout the Plan and on the Planning Maps.
287. Delete the reference to the Rural Production Zone in the Relationships between Spatial Layers section.

288. Amend the Statutory Acknowledgements description in the Relationships between Spatial Layers section as follows: Areas identified in Treaty Settlement Legislation the Ngai Tahu Claims Settlement Act 1998 where the Crown has made an acknowledgment of the particular cultural, spiritual, historic and traditional association of Ngāi Tahu with the statutory areas where Poutini Ngāi Tahu have a statutory acknowledgement.
289. Delete the reference to Nohoanga Entitlements from the Relationships between Spatial Layers section.
290. Amend the Precincts Table in the Relationships between Spatial Layers section by including the Rural Production Precinct with a description as follows: Rural Production Precinct. The purpose of this Precinct is to manage lot size for ongoing rural production.
291. Amend the Overlays Table in the Relationships between Spatial Layers section by including the Aotea Management Area and Pounamu Management Area with a description as follows: Aotea Management Area: Areas identified where restrictions apply to quarrying and mineral extraction activities is required. Pounamu Management Area: Areas identified where restrictions apply to quarrying and mineral extraction activities is required.
292. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

10. Submissions on the Abbreviations

293. There are three submissions on the Abbreviations.

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Buller Conservation Group (S552)	S552.033	Amend	Amend title from Abbreviations to <u>Acronyms</u>
Frida Inta (S553)	S553.033	Amend	Amend title from Abbreviations to <u>Acronyms</u>
Heritage New Zealand Pouhere Taonga (S140)	S140.008	Oppose	HNZPT requests the abbreviation NZHPT Act be amended to HNZPT Act and the full term be amended to Heritage New Zealand Pouhere Taonga Act 2014

Analysis

294. Buller Conservation Group (S552.022) and Frida Inta (S553.033) seeks that the chapter be renamed to Acronyms. While I appreciate the linguistic accuracy, the National Planning Standards set the names of the chapters – including the Abbreviations chapter and the content that is included within this.
295. Heritage New Zealand Pouhere Taonga (S140.008) seek that the abbreviation for their organisation be corrected to HNZPT Act and the fuller term be amended to Heritage New Zealand Pouhere Taonga Act 2014. I support this correction.

Recommendations

296. That all references in the Plan, including in the Abbreviations chapter, to NZHPT Act be amended to HNZPT Act and that the full term be be amended to Heritage New Zealand Pouhere Taonga Act 2014.
297. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

11. Submissions on the Glossary

298. There are 9 submissions on the Glossary. These are made up of general submissions and submissions on specific terms within the Glossary.

11.1 General Submissions on the Glossary

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.043	Support	Retain as notified
Buller Conservation Group (S552)	S552.032	Amend	Glossary title to Maori/ English Translation
Frida Inta (S553)	S553.032	Amend	Glossary title to Maori/ English Translation
WMS Group (HQ) Limited and WMS Land Co. Limited (S599)	S599.015	Amend	Amend the Glossary to include new terms, as follows: wāhi tohu, wāhi taonga, mahinga kai, nohoanga, Māori Reserve, tohu, whenua marae
TiGa Minerals and Metals Limited (S493)	S493.013	Amend	Amend the Glossary to include new terms, as follows: wāhi tohu, wāhi taonga, mahinga kai, nohoanga, Māori Reserve, tohu, whenua marae
Rocky Mining Limited (S474)	S474.027		Ensure all Māori terms used in Schedule 3 are included within the glossary
David Ellerm (S581)	S581.010	Amend	add new word Kaitiakitanga
Stephen Page (S270)	S270.018		Ensure all Maori terms used in the plan are defined.
Helen Carter (S209)	S209.005	Amend	Request English definitions to Maori phrases

Analysis

299. Ngāi Tahu (S620.043) support the Glossary. This support is noted.

300. Buller Conservation Group (S552.032) and Frida Inta (S553.032) seek that the title of the Glossary be amended to Māori / English translation. As for other chapter names in the Plan, the name Glossary is set by the National Planning Standards, as is that all Māori terms must be defined within the Glossary. I therefore do not support these submissions.

301. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.015), TiGa Minerals and Metals Limited (S493.013) and Rocky Mining Limited (S474.027) seek that the Māori terms in Schedule Three be included in the glossary. I support the inclusion of the terms wāhi tohu, wāhi taonga, mahinga kai, nohoanga, whenua and marae in the

glossary. The term *tohu* is already in the glossary. The term *Māori Reserve* is not appropriate for inclusion in the glossary but could be included in the definitions.

302. David Ellerm (S581.010) seeks that *Kaitiakiatanga* be added to the glossary. I support this.
303. Stephen Page (S270.018) and Helen Carter (S209.005) seek that all *Māori* terms used in the plan are defined. While many *Māori* terms are used in the introductory chapters and do not have statutory weight, I support all *Māori* terms being included in the glossary as this will assist the reader's understanding.

Recommendations

304. That the following *Māori* terms be included in the Glossary: *wāhi tohu*, *wāhi taonga*, *mahinga kai*, *nohoanga*, *whenua*, *marae*, *kaitiakitanga*, *taonga* and *pounamu*.
305. That the term *Māori Reserve* be added to the definitions.
306. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

11.2 Submissions on specific terms in the Glossary

Submissions

Term	Submitter Name / ID	Submission Point	Position	Decision Requested
Mana whenua	The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.010	Amend	Amend meaning of <i>mana whenua</i> in relation to the properties that Māwhera Inc manage
Tangata Whenua	The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.011	Amend	Amend meaning of <i>tangata whenua</i> in relation to the area that Māwhera Inc. manages

Analysis

307. Māwhera Incorporation (S621.010 and S621.011) seek that the definitions of *mana whenua* and *tangata whenua* are amended in relation to the properties that Māwhera Incorporation manage.
308. The current glossary meaning of *tangata whenua* is "means in relation to a particular area, the *iwi*, or *hapū*, that hold *mana whenua* over the area." This is the definition used in the Reserves Act, the Conservation Act and the Resource Management Act. The glossary meaning of *mana whenua* is "means customary authority exercised by an *iwi* or *hapū* in an identified area". This also is the definition used in the Resource Management Act.
309. The Waitangi Tribunal discusses this in detail in relation to the Wai 64 report and how these definitions confuse the association of *tangata whenua* with power. However, the Plan is a resource management plan, prepared under the RMA. I consider that the RMA definitions of *tangata whenua* and *mana whenua* are the appropriate ones to use in this context.

Recommendations

310. That there is no change to the TTPP as a result of the above-mentioned submission points.
311. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

12. Submissions on the Definitions

312. Definitions are important to the interpretation of objectives, policies, rules and rule requirements in TTPP. Definitions are particularly important in the context of an activities-based plan. Any recommended amendments to a defined term are likely to have consequences for how that term is applied elsewhere in TTPP. Conversely, there will be amendments recommended to other parts of TTPP that will have a bearing on the interpretation of definitions.
313. The definitions in TTPP are generated from a variety of sources. In addition to relying on definitions prescribed in the National Planning Standards and in the RMA, there are TTPP-specific definitions. Depending on the source of the definition, there may be limited scope to make amendments as per the relief sought by submitters.

12.1 Definitions chapter in general

314. 3 submissions were received in relation to the Definitions chapter in general.

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Straterra (S536)	S536.028	Amend	Review definitions to ensure cross references are correct
Department of Conservation (S602)	S602.017	Neutral	NA
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.053	Amend	Ensure that terms defined are identifiable not only on the online version but also when "printed" in the Plan are differentiated from other text. Where terms are from legislation include the title and version. Ensure the Interpretation list include all terms defined in the Plan.

Analysis

315. There are three general submissions on the chapter. Straterra (S536.028) seek that the definitions be reviewed to ensure that the cross references are correct. I am not able to determine from the submission what errors Straterra has identified. I support the correction of any errors in cross references that are identified. The Department of Conservation (S602.017) has a general statement in their submission that they are neutral in relation to all other definitions not specifically submitted on. Forest and Bird (S560.053) seek that defined terms are identifiable in the "printed" version of the Plan. It is not currently intended that there be printed versions of the operative Plan. Printed versions of the proposed Plan were produced as a consultation tool to assist people wanting to submit on the Plan. Forest and Bird also seek that the interpretation list include all terms defined in the Plan. I support this and have noticed several errors where the e-plan has "turned on" definitions from the national planning standards that are not intended to be included in TTPP definitions. I support a thorough review of the

e-plan pop up definitions to ensure that only definitions intentionally used in TTPP are seen in the pop ups.

Recommendations

316. That the e-plan definitions “pop up” be reviewed to ensure that only definitions intentionally included in TTPP which are present in the Definitions chapter are shown in the e-plan.
317. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

12.1 National Planning Standards Definitions

318. 61 submissions and 6 further submissions were received in relation to the Definitions taken from the National Planning Standards.

Submissions

Definitions	Submitter Name /ID	Submission Point	Position	Decision Requested
Building	Westpower Limited (S547)	S547.020	Support	Retain
Building	William McLaughlin (S567)	S567.035	Amend	Amend to: Means a temporary or permanent movable or immovable physical construction that is:a. partially or fully roofed, and b. is fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power <u>and non-motorised caravan and tiny homes built on trailers</u>
Building	William McLaughlin (S567)	S567.034	Amend	Amend to: as definition to: Means a temporary or permanent movable or immovable physical construction that is: a. partially or fully roofed, and b. is fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power <u>and non-motorised caravan.</u>
Building	William McLaughlin (S567)	S567.035	Amend	Amend to: Means a temporary or permanent movable or immovable physical construction that is:a. partially or fully roofed, and b. is fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power <u>and non-motorised caravan and tiny homes built on trailers</u>
Building	Chris & Jan Coll (S558)	S558.274	Amend	Amend as definition to:Means a temporary or permanent movable or immovable physical construction that is: a. partially or fully roofed, and b. is fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be

				moved under its own power <u>and non-motorised caravan</u> .
Building	Chris & Jan Coll (S558)	S558.285	Amend	Amend to: Means a temporary or permanent movable or immovable physical construction that is: a. partially or fully roofed, and b. is fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power <u>and non-motorised caravan and tiny homes built on trailers</u>
Building	Chris J Coll Surveying Limited (S566)	S566.274	Amend	Amend as definition to: Means a temporary or permanent movable or immovable physical construction that is: a. partially or fully roofed, and b. is fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power <u>and non-motorised caravan</u> .
	Buller District Council	FS149.077	Oppose	Disallow
Building	Chris J Coll Surveying Limited (S566)	S566.285	Amend	Amend to: Means a temporary or permanent movable or immovable physical construction that is: a. partially or fully roofed, and b. is fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power <u>and non-motorised caravan and tiny homes built on trailers</u>
	Buller District Council	FS149.078	Oppose	Disallow
Building	Laura Coll McLaughlin (S574)	S574.274	Amend	Amend as definition to: Means a temporary or permanent movable or immovable physical construction that is: a. partially or fully roofed, and b. is fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power <u>and non-motorised caravan</u> .
Building	Laura Coll McLaughlin (S574)	S574.285	Amend	Amend to: Means a temporary or permanent movable or immovable physical construction that is: a. partially or fully roofed, and b. is fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power <u>and non-</u>

				<u>motorised caravan and tiny homes built on trailers</u>
Building	New Zealand Motor Caravan Association (S490)	S490.004	Amend	We think it would clearer for readers of the TPPP if the definition of "building" explicitly excludes non-motorised caravans as follows: means a temporary or permanent movable or immovable physical construction that is: partially or fully roofed; and fixed or located on or in land; but excludes: any motorised vehicle, or other mode of transport that could be moved under its own power, <u>or non-motorised caravans other than those used for a residential accommodation/ business purpose for a continuous period of more than two (2) months.</u>
Building	Cape Foulwind Staple 2 Ltd (S568)	S568.011	Amend	Clarify the definition of building in relation to water tanks, wastewater treatment and land application areas.
Building	Straterra (S536)	S536.029	Amend	Review definition to ensure correct cross references – seems to be incorrectly cross referenced to the RMA
Community Corrections Activity	Ara Poutama Aotearoa, Department of Corrections (S349)	S349.001	Support	Retain the definition of "community corrections activity"
Dust	Straterra (S536)	S536.031	Amend	review definition to ensure correct cross references to the RMA
Educational Facility	Ministry of Education Te Tāhuhu o Te Mātauranga (S456)	S456.001	Support	Retain the definition
Functional Need	WMS Group (HQ) Limited and WMS Land Co. Limited (S599)	S599.010	Support	Retain as notified
Functional Need	TiGa Minerals and Metals Limited (S493)	S493.007	Support	Retain as notified
Functional Need	Birchfield Coal Mines Ltd (S601)	S601.006	Support	Retain as notified
Functional Need	BRM Developments Limited (S603)	S603.006	Support	Retain as notified
Functional Need	Birchfield Ross Mining Limited (S604)	S604.006	Support	Retain as notified

Functional Need	Phoenix Minerals Limited (S606)	S606.006	Support	Retain as notified
Functional Need	Whyte Gold Limited (S607)	S607.006	Support	Retain as notified
Functional Need	William McLaughlin (S567)	S567.036	Support	Retain
Functional Need	Rocky Mining Limited (S474)	S474.003	Support	Retain as notified
Functional Need	Papahaua Resources Limited (S500)	S500.002	Support	Retain as notified
Functional Need	KiwiRail Holdings Limited (S442)	S442.002	Support	Retain as notified
Functional Need	Buller Electricity Limited (S451)	S451.008	Support	Retain as notified
Functional Need	Chris & Jan Coll (S558)	S558.296	Support	Retain as notified
Functional Need	Chris J Coll Surveying Limited (S566)	S566.296	Support	Retain as notified
Functional Need	Laura Coll McLaughlin (S574)	S574.296	Support	Retain as notified
Functional Need	Frank and Jo Dooley (S478)	S478.065	Support	Retain as notified
Functional Need	Transpower New Zealand Limited (S299)	S299.005	Support	Retain as notified
Functional Need	Waka Kotahi NZ Transport Agency (S450)	S450.002	Support	Retain as notified
Functional Need	Manawa Energy Limited (Manawa Energy) (S438)	S438.010	Support	Retain as notified
Functional Need	Westpower Limited (S547)	S547.025, S547.033	Amend	Amend to read: ... because the activity can only occur in that environment <u>including the need for the activity to locate where the resource is available.</u>
Height	Radio New Zealand (S476)	S476.003	Support	Retain as notified
Operational Need	TiGa Minerals and Metals Limited (S493)	S493.012	Support	Retain as notified
	Lynley Hargreaves	FS65.007	Support	Allow
	Katherine Crick	FS68.003	Oppose	Disallow
	Mike Spruce	FS218.005	Oppose	Disallow
	Melissa McLuskie	FS144.003	Oppose	Disallow

Operational Need	Birchfield Coal Mines Ltd (S601)	S601.011	Support	Retain as notified
Operational Need	BRM Developments Limited (S603)	S603.011	Support	Retain as notified
Operational Need	Birchfield Ross Mining Limited (S604)	S604.011	Support	Retain as notified
Operational Need	Phoenix Minerals Limited (S606)	S606.011	Support	Retain as notified
Operational Need	Whyte Gold Limited (S607)	S607.011	Support	Retain as notified
Operational Need	Rocky Mining Limited (S474)	S474.004	Support	Retain as notified
Operational Need	Papahaua Resources Limited (S500)	S500.003	Support	Retain as notified
Operational Need	KiwiRail Holdings Limited (S442)	S442.010	Support	Retain as notified
Operational Need	Buller Electricity Limited (S451)	S451.017	Support	Retain as notified
Operational Need	Frank and Jo Dooley (S478)	S478.074	Support	Retain as notified
Operational Need	Transpower New Zealand Limited (S299)	S299.012	Support	Retain as notified
Operational Need	Waka Kotahi NZ Transport Agency (S450)	S450.006	Support	Retain as notified
Operational Need	Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited (S441)	S441.004	Support	Retain as notified
Operational Need	Fire and Emergency New Zealand (S573)	S573.006	Support	Retain as notified
Operational Need	Manawa Energy Limited (Manawa Energy) (S438)	S438.014	Support	Retain as notified
Operational Need	WMS Group (HQ) Limited and WMS Land Co. Limited (S599)	S599.173	Support	Retain as notified
Operational Need	Westpower Limited (S547)	S547.032	Amend	Amend the definition:... because of technical, logistical or operational characteristics or constraints, <u>including the need for the activity to locate where the resource is available.</u>

Site	Buller Conservation Group (S552)	S552.007	Amend	Amend to define site as being places of activity
Site	Buller Conservation Group (S552)	S552.008	Amend	All references in this Plan to 'site' need to be amended to reflect the glossary meanings of, 'Title', and, 'Site'.
Site	Frida Inta (S553)	S553.007	Amend	'Site' is used interchangeably through this Plan as both legal title to land and as a site of some activity not regarded as being equivalent to the nature of a legal title.
Site	Frida Inta (S553)	S553.008	Amend	All references in this Plan to 'site' need to be amended to reflect the glossary meanings of, 'Title', and, 'Site'.
Structure	Westpower Limited (S547)	S547.039	Support	Retain as notified
Structure	Radio New Zealand (S476)	S476.010	Support	Retain as notified
Visitor Accommodation	New Zealand Motor Caravan Association (S490)	S490.006	Amend	Consider including camping activities within the definition of Visitor Accommodation

Analysis

319. The National Planning Standards have the following Mandatory Directions in relation to Definitions:

"Where terms defined in the Definitions List are used in a policy statement or plan, and the term is used in the same context as the definition, local authorities must use the definition as defined in the Definitions List. However if required, they may define:

- terms that are a subcategory of, or have a narrower application than, a defined term in the Definitions List. Any such definitions must be consistent with the higher level definition in the Definitions List.*
- additional terms that do not have the same or equivalent meaning as a term defined in the Definitions List. "*

320. The definitions discussed in this section of the report are all National Planning Standard definitions.

321. The majority of the submissions on these definitions are in support and seek that the definitions be retained. These submissions are noted and are not discussed further in this report.

322. The following submissions seek amendments to a national planning standards definition.

Building

323. In relation to the definition of Building, Westpower Limited (S547.020) support the definition. This support is noted.

324. William McLaughlin (S567.034, S567.035), Chris & Jan Coll (S558.274, S558.275), Chris J Coll Surveying Limited (S566.274, S566.275) and Laura McLaughlin (S574.274, S574.275) all seek amendments to the definition to specifically exclude non-motorised caravans and tiny homes built on trailers. The New Zealand Motor Caravan Association (S490.004) is also concerned about the risk that non-motorised caravans are included within the definition. Cape Foulwind Staple 2 Ltd (S568.011) seeks that the definition

clarify the situation in relation to water tanks, wastewater treatment and land application areas. Straterra (S536.029) is concerned that the definition may not be appropriately cross referenced. They have a similar concern in relation to the definition of Dust (S536.031) I have checked the e-Plan and these definitions are correct in the Plan and the cross reference (National Planning Standards) "pop up". While I agree that non-motorised caravans and tiny homes built on trailers are caught by the definition of building, as well as water tanks, there does not appear to be any legal way to amend the definition.

Functional Need, Operational Need

325. Westpower Limited (S 547.025, S547.033, S547.032)) seek to address locational issues in relation to the definitions of functional need and operational need. As discussed above, this is not possible, however I note that they have also sought a new definition Locational Need (discussed further below in Section 12.4).

Site

326. Buller Conservation Group (S552.007, S552.008) and Frida Inta (S552.007, S552.008) highlight issues with the use of the definition of the word "site" in the plan.

327. The definition is as follows:

means

- a. *an area of land comprised in a single record of title as per the Land Transfer Act 2017; or*
- b. *an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or*
- c. *the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title as per the Land Transfer Act 2017 could be issued without further consent of the Council; or*
- d. *despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.*

328. This definition is only useful in relation to a small number of policies and rules in the Plan in the Subdivision and Financial Contributions Chapters. However, the word Site is used very widely throughout the Plan, as a general locational term and as part of a feature description eg Archaeological Site. Because the National Planning Standards do not allow us to alter the definition, I consider the best option is to delete the definition from the Plan and to alter the Subdivision and Financial Contributions chapters so that instead of using the word "site" the word "allotment" (which is also defined in the National Planning Standards) is used.

Visitor Accommodation

329. The New Zealand Motor Caravan Association (S490.006) consider that camping activities be included within the definition of Visitor Accommodation. While this is not possible with the National Planning Standard definition, I note that there are other submission points on the issue of camping from this submitter and that it may be possible to provide some relief to the issues they are concerned about in relation to these submissions.

Recommendations

330. That the definition for Site is deleted from the Plan.

331. That where the Plan refers to the term "site" meaning a legal title to land, that this is replaced by the term "allotment".

332. That the definition of Allotment from the National Planning Standards is included within the Plan.

333. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

12.3 TTPP Specific Definitions

334. 63 submissions and 25 further submissions were received in relation to the Definitions that are specific to TTPP.

Submissions

Definition	Submitter Name /ID	Submission Point	Position	Decision Requested
Accessway	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.054	Amend	Clarify whether this is specific to vehicle access or includes walking access, to private property, like driveways or other situations.
Activity	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.055	Oppose	The definition of activity may not be helpful and could exclude "activities" that are intended to be considered in the Plan.
	Buller District Council	FS149.055	Oppose	Disallow
	Westpower Limited	FS222.0209	Oppose	Disallow
Additions and Alterations	Heritage New Zealand Pouhere Taonga (S140)	S140.001	Support	Retain definition as proposed
Additions and Alterations	Westpower Limited (S547)	S547.017	Support	Retain
Building Platform	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.058	Amend	Delete having regard to ground conditions, gradient, access, natural hazards, indigenous vegetation and habitat, amenity and health and safety from the definition and make sure these matters are included in rules which make provision for building platforms.
	Buller District Council	FS149.078	Support	Allow in part
	Westpower Limited	FS222.0211	Oppose	Disallow
Camping grounds	Paparoa Track Services Ltd, Craig and Sue Findlay, Tim Findlay, Punakaiki Beach Camp Ltd (S605)	S605.002	Amend	Amend the definition of Camping Grounds as follows: has the same meaning as the Camping Grounds Regulations 1985 (as set out below) means any area of land used, or designed or intended to be used, ... <u>or other premises and equipment, and includes the use of permanent buildings for sleeping in such as cabins and motel accommodation</u>

				<u>ancillary to the camping ground</u>
Cemeteries	Buller Conservation Group (S552)	S552.023	Amend	Amend Cemeteries to Cemeteries
Cemeteries	Frida Inta (S553)	S553.023	Amend	Amend Cemeteries to Cemeteries
Conservation Activities	New Zealand Agricultural Aviation Association (S166)	S166.007	Amend	Amend the definition of Conservation Activity: It includes ancillary activities which assist to enhance the public's appreciation and recreational enjoyment of the resource, <u>including weed and pest control and the intermittent use of aircraft for conservation purposes</u>
	Buller District Council	FS149.001	Support	Allow
Conservation Activities	Department of Conservation (S602)	S602.013	Amend	The definition of conservation activities requires an amendment to be explicit that it excludes commercial activities to avoid any unintended consequences with the current definition. Amend to: means the use of land and/or buildings for any activity undertaken for the purposes of maintaining, protecting and/or enhancing the natural, historic and/or ecological values of a natural or historic resource. It includes ancillary activities and activities which assist to enhance the public's appreciation and recreational enjoyment of the resource <u>and excludes commercial activities</u>
	Buller District Council	FS149.088	Support	Allow
Conservation Activities	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.060	Oppose	Amend to limit the definition with respect to natural and ecological values, to activities aimed at restoration of ecosystem health and indigenous biodiversity
Conservation Activities	West Coast Fish and Game Council (S302)	S302.002	Support	Amend definition of 'Conservation Activities'; by adding to the definition; It also includes any activity undertaken for the purposes of enhancing the lawful utilisation of the sports fish or game bird resource.

	Federated Farmers of New Zealand (S524)	S524.005	Support in part	Amend the second sentence of the definition of Conservation Activity: It includes ancillary activities which assist to enhance the public's appreciation and recreational enjoyment of the resource, including weed and pest control.
	Department of Conservation	FS122.003	Support	Allow
	Tony Michelle	FS30.17	Support	Allow
Emergency Service Facility	New Zealand Defence Force (S519)	S519.005	Support	Retain definition
Emergency Service Facility	Fire and Emergency New Zealand (S573)	S573.003	Support	No amendment
Existing buildings and structures	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.064, S560.423	Oppose	Replace "existing buildings and structures" lawfully established buildings and structures in the Plan, delete the definition.
	Buller District Council	FS149.062	Support S560.064 in part	Allow in part
	Westpower Limited	FS222.021 3	Oppose S560.064	Disallow
	Westpower Limited	FS222.021 4	Oppose S560.423	Disallow
Existing Use Rights	David Ellerm (S581)	S581.003	Amend	Amend (b) ...continuous period of more than ±2 36 months
Existing Use Rights	Horticulture New Zealand (S486)	S486.002	Support in part	Either include the definition of existing use rights from section 10 of the RMA or remove the definition as a whole.
Existing Use Rights	Federated Farmers of New Zealand (Federated Farmers)(S524)	S524.007	Support in part	Either include the definition of existing use rights from section 10 of the RMA or remove the definition as a whole.
	Horticulture New Zealand	FS55.3	Support	Allow
Lawfully Established	Bathurst Resources Limited and BT Mining Limited (S491)	S491.004	Amend	Amend: means activities permitted through a rule in a plan, a resource consent, a national environmental standard or by an existing use right (as provided for in Section 10 of the RMA). In the case of mineral extraction it also includes an ongoing activity <u>that was established under the provisions of a Coal Mining Licence or Ancillary</u>

				<u>Coal Mining Licence issued under the Coal Mines Act (1979).</u>
	Grey District Council	FS1.164	Support	Allow
Lawfully Established	Radio New Zealand (S476)	S476.002	Support	RNZ support the definition provided its relief below for the definition of "lawfully established" is accepted.
Lawfully Established	Radio New Zealand (S476)	S476.005	Amend	RNZ support the definition of lawfully established but consider that specific recognition of activities established and permitted by way of designation is appropriate. Amend the definition as follows: means activities permitted through a rule in a plan, a resource consent, a national environmental standard, <u>a designation</u> , or by an existing use right (as provided for in Section 10 of the RMA). In the case of mineral extraction, it also includes an activity permitted through a Coal Mining Licence issued under the Coal Mines Act (1979).
	Westpower Limited	FS222.0200	Support	Allow
Lawfully Established	Horticulture New Zealand (S486)	S486.003	Support in part	Amend definition for lawfully established as follows: means activities <u>provided for by one of the following: 1. permitted through a rule in a plan, or 2. a resource consent, or 3. a national environmental standard; or 4. by an existing use right (as provided for in Section 10 of the RMA)</u>
Lawfully Established	Federated Farmers of New Zealand (Federated Farmers) (S524)	S524.012	Support in part	Amend definition for lawfully established as follows: <u>means activities provided for by one of the following: Permitted through a rule in a plan, or Through a resource consent, or In a national environmental standard; or By an existing use right (as provided for in Section 10 of the RMA) In the case of mineral extraction it also includes an activity permitted through a Coal</u>

				<u>Mining Licence issued under the Coal Mines Act (1979).</u>
	Buller District Council	FS149.050	Support	Allow
	Horticulture New Zealand	FS55.4	Support	Allow
Lawfully Established	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.067, S560.422	Amend	<u>Amend Lawfully established: In relation to buildings and structures, means buildings, and structures that: Were lawfully established at the date of notification of the Plan; or Where resource consent has been granted at the date of notification of the Plan; or Where building consent has been granted for an activity lawfully approved under a previous District Plan. In relation to activities means activities: permitted through a rule in a Plan, a resource consent a national environmental standard or by an existing use right (as provided for in Section 10 of the RMA) or the case of mineral extraction it also includes an activity permitted through a Coal Mining Licence issued under the Coal Mines Act (1979); and does not include where the resource consent or licence has expired and not been renewed</u>
Maintenance	Transpower New Zealand Limited (S299)	S299.007	Support	Retain
Maintenance	Heritage New Zealand Pouhere Taonga (S140)	S140.005	Support	Retain definition as proposed
Maintenance	Radio New Zealand (S476)	S476.006	Support	Retain definition of "maintenance" as notified.
Maintenance	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.068	Support	Retain
Maintenance	KiwiRail Holdings Limited (S442)	S442.005	Support	Retain as proposed
Maintenance	Manawa Energy Limited (Manawa Energy) (S438)	S438.013	Support	Retain include reference to repair in the definition.
Maintenance	Buller Electricity Limited (S451)	S451.011	Support in Part	Amend as follows: In relation to infrastructure and renewable electricity generation activities, any work

				or activity necessary to continue the operation and / or functioning of existing infrastructure <u>including but not limited to existing line, building structure, facility or utility, and shall also provide for replacement of an existing line, building, structure or other facility with another of the same or similar height, size or scale, within the same or similar position for the same or similar purpose. It does not include any expansion of the existing line, building, structure, facility significant upgrading.</u>
Maintenance	Frank and Jo Dooley (S478)	S478.068	Amend	Amend as follows: In relation to infrastructure and renewable electricity generation activities, any work or activity necessary to continue the operation and / or functioning of existing infrastructure <u>including but not limited to existing line, building structure, facility or utility, and shall also provide for replacement of an existing line, building, structure or other facility with another of the same or similar height, size or scale, within the same or similar position for the same or similar purpose. It does not include any expansion of the existing line, building, structure, facility significant upgrading.</u>
Maintenance	Westpower Limited (S547)	S547.030	Amend	Amend a. ... necessary to continue the operation and/or functioning of <u>energy activities and infrastructure.</u> It does not include upgrading <u>but does include repair.</u>
Overlay Chapter	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.073	Amend	Retain with amendments List each overlay chapter and explain the difference or relationship with overlay provisions, in particular that these chapters contain provisions that apply both within and outside of the scheduled overlays.

	Westpower Limited	FS222.021 6	Oppose	Disallow
Overlay Chapter	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.428	Amend	Amend to explain the difference between overlay chapter and overlay provisions, as the 'overlay chapters' contain provisions that apply more broadly than only to scheduled overlays.
	Westpower Limited	FS222.021 7	Oppose	Disallow
Papatipu Rūnanga	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.038	Amend	Amend as follows: has the same meaning as in the Ngāi Tahu Claims Settlement Act 1998 (as set out below) means <u>the Papatipu Rūnanga of Ngāi Tahu Whānui referred to in section 9 of Te Runanga o Ngai Tahu Act 1996.</u>
Papakāinga	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.037	Support	Retain as notified.
Papakāinga	Te Tumu Paeroa - The office of the Māori Trustee (Te Tumu Paeroa) (S440)	S440.001	Amend	Amend definition to include Māori landowners who whakapapa but may not be registered members of Poutini Ngāi Tahu as follows: Papakāinga means a development for Poutini Ngāi Tahu residing on the West Coast <u>and/or other Māori landowners</u> providing residential accommodation for members, <u>underlying owners</u> and their whānau and includes communal buildings and facilities.
Poutini Ngāi Tahu	Te Runanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.039	Amend	Amend the definition as follows: means the members of the two Ngāi Tahu hapū from the West Coast/Tai o Poutini - Ngāti Waewae and Ngāti Māhaki, <u>and Te Rūnanga o Ngāi Tahu as the iwi authority.</u>
Poutini Ngāi Tahu	The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.008	Support	Amend definition to include other Kai Tahu hapu members who were titled to Te Tai o Poutini lands by the 1879 Yong Commission

Poutini Ngāi Tahu Activities	Te Runanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.040	Amend Refer to Te Tumu Paeroa Submission Line 135 Section 6.6	Replace Poutini Ngāi Tahu Cultural activities, cultural harvest, and Poutini Ngāi Tahu cultural purposes with Poutini Ngāi Tahu activities in the relevant plan provisions and amend the definition as follows: POUTINI NGĀI TAHU ACTIVITIES means <u>1. the use of land and/or buildings for traditional Māori activities and includes making and/or creating cultural goods, textiles and art, medicinal and food gathering, waka ama, events, management and activities that recognise and provide for the special relationship between Poutini Ngāi Tahu and places of cultural importance; 2. Cultural harvest (which may including the clearance of vegetation), Mahinga kai, and the collection or mining of Pounamu, Aotea stone or rock; or 3. The installation of Pou whenua on or clearance of vegetation for maintenance of cultural redress land.</u>
Reverse Sensitivity	New Zealand Agricultural Aviation Association (S166)	S166.009	Support	Retain the definition
Reverse Sensitivity	New Zealand Defence Force (S519)	S519.006	Support	Retain definition as notified or wording to similar effect.
Reverse Sensitivity	Radio New Zealand (S476)	S476.008	Support	
Reverse Sensitivity	Transpower New Zealand Limited (S299)	S299.013	Support	Retain the definition
Reverse Sensitivity	Federated Farmers of New Zealand (S524)	S524.016	Amend	Support the inclusion of this definition. However it would be better to rely on the definition of 'lawfully established' in the Plan rather than using 'approved, existing or permitted activity'.
	Grey District Council	FS1.258	Support	Allow
	Horticulture New Zealand	FS55.5	Support	Allow
Reverse Sensitivity	Horticulture New Zealand (S486)	S486.004	Support in part	Amend definition of reverse sensitivity: Means the potential for a <u>lawfully established activity</u> to be compromised or constrained by the more recent establishment or

				alteration of another activity which may be sensitive to the actual, potential or perceived environmental effects generated by the <u>lawfully established activity</u> .
Reverse Sensitivity	Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited (Silver Fern Farms) (S441)	S441.005	Amend	Amend the definition as follows: Reverse Sensitivity means the potential for an approved, existing or permitted activity to be compromised, constrained <u>or curtailed by the possible</u> establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an approved, existing or permitted activity.
Reverse Sensitivity	KiwiRail Holdings Limited (S442)	S442.012	Amend	Amend as follows: Reverse sensitivity means the potential for <u>the development, upgrading, operation and maintenance of</u> an approved, existing or permitted activity to be compromised or constrained, by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by an approved, existing or permitted activity.
Sensitive Activity	KiwiRail Holdings Limited (S442)	S442.013	Amend	Amend as follows: Sensitive activity means any: residential activity; visitor accommodation; retirement home; healthcare facility; community facility; educational facility; <u>marae/papakāinga; hospital; or place of worship.</u>
	Waka Kotahi NZTA	FS62.001	Support	Allow
	Silver Fern Farms Limited	FS101.002	Support	Allow
Sensitive Activity	Westpower Limited (S547)	S547.037	Support	Retain
Sensitive Activity	Transpower New Zealand Limited (S299)	S299.014	Support	Retain the definition
Sensitive Activity	Waka Kotahi NZ Transport Agency (S450)	S450.008	Support	Retain as proposed

Sensitive Activity	Ministry of Education Te Tāhuhu o Te Mātauranga (S456)	S456.003	Support	Retain as proposed
Sensitive Activity	Radio New Zealand (S476)	S476.009	Support	Retain definition of "sensitive activity" as notified
Sensitive Activity	Horticulture New Zealand (S486)	S486.005	Support	Adopt as notified
Sensitive Activity	Federated Farmers of New Zealand (S524)	S524.022	Support	Adopt as notified
	Horticulture New Zealand	FS55.6	Support	Allow
Sensitive Activity	David Ellerm (S581)	S581.004	Amend	means any: residential activity, visitor accommodation, retirement home; healthcare facility; community facility; educational facility
Sensitive Activity	Frida Inta (S553)	S553.030	Amend	Sensitive activity <u>Includes but is not limited to...</u>
	Westpower Limited	FS222.0120	Oppose	Disallow
Sensitive Activity	Buller Conservation Group (S552)	S552.030	Amend	Sensitive activity <u>Includes but is not limited to...</u>
	Westpower Limited	FS222.007	Oppose	Disallow
Urban Zone	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.079	Amend	Amend means one or more of the RESZ - Residential zones, CMUZ - Commercial and mixed-use zones, INZ - industrial zones, FUZ—Future Urban Zone or any part of any OSRZ - Open space and recreation zone that is surrounded by one of these zones.

Analysis

Accessway

335. Forest and Bird (S560.054) seek clarification on whether the definition of Accessway is specific to vehicle access or includes walking access, access to private property such as driveways or other situations. I have reviewed the use of the term in the Plan and consider that while it is principally concerned with vehicle accessways it could also cover access to private property or other situations. The definition is relates with legal accessways including driveways (which are the legal access point for vehicles to the street) and is used in the Historic Heritage provisions within this context. The definition is as follows:

means the area of land that provides access between any boundary and the net area of the site or sites it services. Accessway includes any rights of way, access lot, access leg or private road.

I consider this is fairly clear and do not see a need for amendment.

Activity

336. Forest and Bird (S560.055) oppose the definition of Activity. I have reviewed its use in the plan and consider that its inclusion in the Plan as a definition is a drafting error. I support its deletion from the Plan.

Additions and Alterations

337. Heritage New Zealand Pouhere Taonga (S140.001) and Westpower Limited (S547.017) support the definition of Additions and Alterations. This support is noted.

Building Platform

338. Forest and Bird (S560.058) seek that the definition of building platform be shortened to exclude the part of the definition in relation to ground conditions, gradient, natural hazards, indigenous vegetation, habitat, amenity and health and safety. I have reviewed the use of the term in the Plan and consider that these matters are already adequately dealt with within the rules. I support this submission.

Camping Grounds

339. Paparoa Track Services Ltd, Craig and Sue Findlay, Tim Findlay, Punakaiki Beach Camp Ltd (S605.002) seek that the definition of Camping Grounds – which currently refers to the camping grounds regulations definition, be amended to include the supporting premises and equipment that accompanies more commercial camping ground operations. I support this amendment as it better describes the type of camping grounds expected on the West Coast.

Cemeteries

340. Buller Conservation Group (S552.023) and Frida Inta (S553.023) identify a typographic error in the spelling of Cemeteries.

Conservation Activities

341. New Zealand Agricultural Aircraft Association (S166.007), Department of Conservation (S602.013), Federated Farmers of New Zealand (S524.005), West Coast Fish and Game Council (S302.002) and Forest and Bird (S560.060) all seek amendments to the definition of Conservation Activities. New Zealand Agricultural Association and Federated Farmers of New Zealand seek that weed and pest control and intermittent use of aircraft for conservation purposes is included, the Department of Conservation seeks that commercial activities are excluded. Forest and Bird seek that the definition be narrowed to only refer to activities with respect to natural and ecological values, to activities aimed at restoration of ecosystem health and indigenous biodiversity.

342. When considering what are "Conservation Activities" I agree with the submission of the Agricultural Aviation Association that this does include pest control – including aerial operations such as aerial 1080 drops. I also agree with the Department of Conservation that it should not include Commercial Activities. I consider that the Forest and Bird proposal would narrow the definition too much. For example, scientific research and education programmes are core parts of conservation activity but would be excluded from a narrow definition. When I consider the purposes of the Conservation Act, it is also clear that conservation of historical values is also a significant aspect of Conservation work. There is also a clear understanding that public enjoyment and recreation (for example tramping and bush walking) are a key part of the conservation ethos.

343. When considering the submission of West Coast Fish and Game Council, I do not consider that the inclusion of activities to support sports fish and game bird resources should be part of the definition. Many sports fish species and game birds are exotic, rather than native species, and activities to support the exploitation of these resources may not always be appropriately defined as a Conservation Activity. For example, the introduction of an exotic sports fish or the promotion of it as a recreational resource could have negative impacts on other ecological values. Similarly maintaining a game bird population such as mallard ducks may be counter to efforts to protect native species such as grey duck.

Emergency Service Facility

344. New Zealand Defence Force (S519.005) and Fire and Emergency New Zealand (S573.003) support the definition of Emergency Service Facility. This support is noted.

Existing Buildings and Structures

345. Forest and Bird (S560.064, S560.423) seek that the definition of Existing buildings and structures be deleted and replaced in the Plan with "lawfully established" buildings and structures. I have reviewed the use of the term within the Plan where it is used widely. At the time of development of the Plan, the term "existing buildings" was used extensively as part of the communication to landowners, particularly in relation to the natural hazards rules which represent a very significant change from the operative plans. On that basis I consider that it is better to keep the term "existing buildings and structures" in wide use in the Plan, as it is intended to make the plan easier for lay people to understand what rules apply for them.

346. In terms of the issue raised by Forest and Bird that the definition of existing buildings and structures includes buildings not yet built, this is because much of the Plan (and specifically the natural hazard rules) will not become operative until Decisions are made/Appeals settled. This definition provides some certainty for people who have gained legal approval for their activity around their ongoing use of a building. This is particularly significant in relation to natural hazards - where many rules around existing buildings and structures are located. The rules around additions and alterations in natural hazard areas are strict and only apply to existing buildings. I therefore do not support this submission.

Existing Use Rights

347. David Ellerm (S581.003), Horticulture New Zealand (S486.002) and Federated Farmers of New Zealand (S524.007) have submitted on the Existing Use Rights definition. David Ellerm seeks to alter the definition to extend existing use rights by 24 months, Horticulture New Zealand and Federated Farmers suggest that either the definition is deleted, or the entirety of Section 10 of the RMA is repeated. I have looked at the use of the term in the Plan and it only occurs in Advice Notes. I therefore consider that it is best to delete this term from the definitions.

Lawfully Established

348. Radio New Zealand (S476.002) support the definition for Lawfully Established. This support is noted.

349. There are several submissions seeking changes to the definition of Lawfully Established. Bathurst Resources seeks amendments which include Ancillary Coal Mining Licences in the definition (S491.004); Radio New Zealand (S476.005, S476.006) seek recognition that activities established by designation be included; Horticulture New Zealand (S486.003) and Federated Farmers (S523.012) seek to restructure the definition to make it clear that an activity can be lawfully established through a number of mechanisms; and Forest and Bird (S560.067, S560.422) seek that the definition be clarified with respect to activities for which resource consent or license is required, to identify that the activity ceases to be lawful when the consent or license expires.

350. With regard to the submissions of Radio New Zealand, Horticulture New Zealand and Federated Farmers, I consider these amendments have merit – designations are a method of lawfully establishing an activity, and clarifying the definition as proposed would be useful. I do not support the submission of Forest and Bird, as regards to lawful establishment being only at the time of notification of the Plan. This would mean that any building or structure that is established lawfully after the date of notification of the Plan would be subject to different rule provisions (generally more stringent) than those established prior to the notification of the Plan. This would transform the intent of many rules in the Plan, and I do not consider it to be an appropriate amendment. Where the Plan seeks to differentiate between activities/buildings lawfully established at the date of notification of the Plan it specifically says so, for example in the Open Space and Recreation Zones.

351. With regard to the submissions of Forest and Bird, I support these in part in that I consider it is appropriate to identify that this does not apply to resource consents or coal mining licences that have expired and not been renewed.
352. Regarding the part of the submission that relates to Coal Mining Licences and the submission of Bathurst Resources (regarding Ancillary Coal Mining Licences) I consider to be most appropriately considered within the wider discussion and analysis of the Mineral Extraction s42A report and have referred those submissions to that report.

Maintenance

353. There are several submissions on the definition of Maintenance. Transpower New Zealand Limited (S299.007), Heritage New Zealand Pouhere Taonga (S140.005), Radio New Zealand (S476.006), Forest and Bird (S560.068), KiwiRail Holdings Limited (S442.005) and Manawa Energy (S438.013) all support the definition. This support is noted.
354. Buller Electricity (S451.011) and Frank and Jo Dooley (S478.068) seek that there be a substantial amendment to spell out in detail what this activity is in relation to electricity generation and distribution. Westpower Limited (S547.030) seek that the words "energy activities" are included in the definition, replacing renewable energy generation activities. This relates to the wider position of Westpower Limited that Energy Activities should be separately defined from Infrastructure (as there is a separate chapter) and that they should be included in all circumstances where infrastructure is mentioned in the Plan. This substantive issue is examined in the Energy, Infrastructure and Transport report. The other part of the Westpower Limited submission and that of Manawa Energy also seeks that the definition specifically includes repair.
355. The current definition as relates to infrastructure is:

"maintenance means,

- a. In relation to infrastructure and renewable electricity generation activities, any work or activity necessary to continue the operation and / or functioning of existing infrastructure. It does not include upgrading.*
- b.*

356. I consider that this is a very wide definition. In relation to the submissions of Buller Electricity and Frank Dooley, I do not consider it appropriate to provide the level of specific detail that is sought just for energy generation and distribution. If such detail was included, then it should also be included for all other types of infrastructure. I consider that all the matters listed for addition are covered by the existing definition. In relation to the submission of Westpower, the matter of whether the term renewable energy generation is replaced by Energy Activities I consider is a consequential amendment of the substantive decision on that matter – which is discussed in the Energy, Infrastructure and Transport s42A report. With regard to the addition of specific reference to repair within the definition, I consider this is entirely unnecessary. Repair is obviously part of "the work required to continue the operation and function of existing infrastructure". I therefore propose no change to the definition.

Overlay Chapter

357. Forest and Bird (S560.428, 560.073) seek amendments to the definition of Overlay Chapter. This term is used very widely in the Plan. They seek that the definition list each overlay chapter. I support this as it makes the definition clearer. They also seek that the definition explain the relationship with overlay provisions, in particular that some of these chapters (natural hazards and ecosystems and biodiversity) contain provisions that apply both within and outside of the scheduled overlays. I support this submission and propose amendments to that effect.

Papatipu Rūnanga

358. Ngāi Tahu (S620.038) seek that the definition of Papatipu Rūnanga include the text from the Ngāi Tahu Claims Settlement Act referred to in the definition. I support this amendment.

Poutini Ngāi Tahu

359. Māwhera Incorporation (S621.008) seek that the definition of Poutini Ngāi Tahu be amended to include other Ngāi Tahu hapū members who were titled to Te Tai o Poutini lands by the 1879 Young Commission. I consider that the Ngāi Tahu Claims Settlement Act 1996 and Te Rūnanga o Ngāi Tahu Act 1996 are clear on this matter and that the relief sought by Māwhera Incorporation in this instance is inconsistent with the law. The detailed analysis of this is outlined in paragraphs 226-232 of this report. I therefore do not support this submission.
360. Ngāi Tahu (S620.029) seek that the definition of Poutini Ngāi Tahu be expanded to include Te Rūnanga o Ngāi Tahu as the iwi authority. I support this submission, as the iwi authority are the entity with whom the Treaty Settlement was agreed.

Poutini Ngāi Tahu Activities

361. Ngāi Tahu (S620.040) seek that the terms cultural activities, cultural harvest and Poutini Ngāi Tahu cultural purposes be replaced with Poutini Ngāi Tahu activities. When looking at the use of these terms within rules I am comfortable consolidating cultural activities and Poutini Ngāi Tahu cultural purposes with Poutini Ngāi Tahu Activities, but not cultural harvest. That is because cultural harvest is a key Permitted Activity in the Ecosystems and Biodiversity Rules, and I consider that it would widen the rule considerably if clearance for Poutini Ngāi Tahu Activities was a Permitted Activity.
362. Ngāi Tahu also seek that the definition of Poutini Ngāi Tahu Activities be altered. However, I am concerned that the scope is proposed to include mining of pounamu and aotea and the clearance of native vegetation – including for cultural redress land. Currently the rules around Poutini Ngāi Tahu activities are very permissive (they are generally Permitted Activities) including in very sensitive locations including the Coastal Environment, Outstanding Natural Landscapes and the margins of waterbodies. I therefore consider that any widening of the definition needs to be looked at within the context of the relevant chapters in which the rules reside, rather than a wholesale change. I therefore have referred this submission into the Natural Environment s42A report.

Papakāinga

363. Ngāi Tahu (S620.037) support the definition of Papakāinga. This support is noted. Te Tumu Paeroa (S440.001) seek that the definition be amended to include Māori landowners who whakapapa but may not be registered members of Poutini Ngāi Tahu as follows.
364. The term "papakāinga" is intended to refer to a specific type of residential development that acknowledges the particular connection of the people who will reside there with the land on which it is located. On that basis it is appropriate that this type of development can only be undertaken by mana whenua. As discussed elsewhere in this report Poutini Ngāi Tahu is recognised as mana whenua for the West Coast.
365. Furthermore, from a planning perspective the term pāpakainga is used within the POU Poutini Ngāi Tahu chapter which provides strategic direction. This chapter provides specifically for Poutini Ngāi Tahu as mana whenua / the recognised iwi authority.
366. I therefore do not support this submission.

Reverse Sensitivity

367. There are several submissions on the definition of Reverse Sensitivity. New Zealand Agricultural Aviation Association (S166.009), New Zealand Defence Force (S519.006), Radio New Zealand (S476.008) and Transpower New Zealand Limited (S299.013) support the definition. This support is noted. Federated Farmers of New Zealand (S524.016) and Horticulture New Zealand (S486.004) support the definition but seek that it is amended to refer to the definition of "lawfully established" rather than using the terms "approved, existing or permitted activity". I support this amendment.
368. Silver Fern Farms (S441.005) seek the addition of the phrase "or curtailed" by the possible establishment..." in the definition. Silver Fern Farms consider that the phrase

"more recent establishment or alteration of another activity" implies that reverse sensitivity is not relevant until such time as the new sensitive activity is physically established, and the reverse sensitivity effects are in place. When I consider how this definition is used within the policy, I do not consider that these amendments add significant value on interpretation.

369. KiwiRail Holdings Limited (S442.012) seek to alter the emphasis of the definition to specifically refer to "the development, upgrading, operation and maintenance" of an activity. I do not consider that this improves the definition, and may, unintentionally, narrow it.

Sensitive Activity

370. There are a range of submissions on the definition of Sensitive Activity. This definition is used in relation to rules around Noise and Natural Hazards. Westpower Limited (S547.037), Transpower New Zealand Limited (S299.014), Waka Kotahi NZ Transport Agency (S450.008), Ministry of Education Te Tāhuhu o Te Mātauranga (S456.003), Radio New Zealand (S476.005), Horticulture New Zealand (S486.005) and Federated Farmers of New Zealand (S524.022) support the definition as notified.
371. David Ellerm (S581.004) seeks that residential activities and visitor accommodation are removed from the definition. I do not consider this to be appropriate. In relation to noise, the sensitive activity definition recognises that residential activities and visitor accommodation (where people sleep) are particularly sensitive to high noise environments. In relation to natural hazards, for the same reason (people sleep in these locations) these activities are particularly at risk from natural hazards – which when weather related often have their worst impacts during the night.
372. Frida Inta (S553.030) and Buller Conservation Group (S552.030) seek that the words "includes but it not limited to" is included in the definition. I do not consider this to be appropriate. The purpose of the definition is to clearly define what activities are affected by the rules so that the rule status can be confirmed.
373. KiwiRail Holdings Limited (S442.013) seek that the definition include marae/papakāinga, hospitals and places of worship. I do not support this. Hospitals are already captured in the definition by the inclusion of healthcare facilities, papakāinga are captured by the definition of residential activity, marae and places of workshop are captured by the definition of community facility.

Urban Zone

374. Forest and Bird (S560.079) seek that the Future Urban Zone be excluded from the definition of Urban Zone, as it has not yet been developed. I support this amendment.

Recommendations

375. That the definition of "Activity" be deleted from the Plan.
376. That the definition of Building Platform be amended as follows: Means land that is practical for accommodating a residential house, or other intended building, ~~having regard to ground conditions, gradient, access, natural hazards, indigenous vegetation and habitat, amenity and health and safety.~~
377. That the definition of Camping Ground be amended as follows: ~~has the same meaning as the Camping Grounds Regulations 1985 (as set out below)~~ means any area of land used, or designed or intended to be used, ..., or other premises and equipment, and includes the use of permanent buildings for sleeping in such as cabins and motel accommodation ancillary to the camping ground.
378. Amend the word "Cemetaries" to "Cemeteries" in the Definitions.
379. Amend the definition of Conservation Activities as follows: means the use of land or buildings for any activity undertaken for the purposes of protecting and/or enhancing the natural, historic and/or ecological values of a natural or historic resource. It includes ancillary activities which assist to enhance the public's appreciation and recreational

enjoyment of the resource, including weed and pest control and the intermittent use of aircraft for conservation purposes and excludes commercial activities.

380. Delete the definition of "Existing Use Rights".

381. That the definition of Lawfully Established be amended as follows:

means buildings, structures and activities provided for by one of the following:

1. permitted through a rule in a plan, or

2. a resource consent, or.

3. a national environmental standard; or

4. a designation; or

5. by an existing use right (as provided for in Section 10 of the RMA); or

6. In the case of mineral extraction it also includes an activity permitted through a Coal Mining License issued under the Coal Mines Act (1979); and

does not include where the resource consent or license has expired and not been renewed.

382. Amend the definition of Overlay Chapter as follows:

means the ~~Coastal Environment Chapter~~ and chapters in the following sections of the Plan:

a. ~~Hazards and Risks;~~ Natural Hazards;

b. ~~Historical and Cultural Values;~~ and Historic Heritage;

c. ~~Natural Environment;~~ Notable Trees;

d. Sites and Areas of Significance to Māori;

e. Historical and Cultural Values;

f. Ecosystems and Indigenous Biodiversity;

g. Natural Features and Landscapes;

h. Natural Character and the Margins of Waterbodies; and

i. Coastal Environment

In relation to the Ecosystems and Indigenous Biodiversity and Natural Hazards chapters these contain provisions that apply district wide.

383. That the definition of Papatipu Rūnanga be amended as follows: has the same meaning as in the Ngāi Tahu Claims Settlement Act 1998 (as set out below) means the Papatipu Rūnanga of Ngāi Tahu Whānui referred to in section 9 of Te Runanga o Ngai Tahu Act 1996.

384. That the definition of Poutini Ngāi Tahu be amended as follows: means the members of the two Ngāi Tahu hapū from the West Coast/Tai o Poutini - Ngāti Waewae and Ngāti Māhaki, and Te Rūnanga o Ngāi Tahu as the iwi authority.

385. Amend the Plan so that references to the term "cultural activities" and "Poutini Ngāi Tahu cultural purposes" are replaced with the term "Poutini Ngāi Tahu Activities".

386. Amend the definition of Reverse Sensitivity as follows: means the potential for an ~~approved, existing~~ lawfully established or permitted activity to be compromised, constrained by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by a lawfully established ~~n approved, existing or permitted~~ activity.

387. And the definition of "Urban Zone" as follows: means one or more of the RESZ - Residential zones, CMUZ - Commercial and mixed-use zones, INZ - industrial zones, ~~FUZ - Future Urban Zone~~ or any part of any OSRZ - Open space and recreation zone that is surrounded by one of these zones.

388. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

12.4 New Definitions

389. 35 submissions and 10 further submissions were received seeking additional new definitions in the Plan.

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Buller Conservation Group (S552)	S552.031	Amend	Provide definition for Subdivision, use and development that refers to land only.
Frida Inta (S553)	S553.031	Amend	Provide definition for Subdivision, use and development that refers to land only.
Buller Conservation Group (S552)	S552.220	Amend	Add a definition of character
Westpower Limited	FS222.008	Oppose	Disallow
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.404	Amend	Define "amenity plantings" around dwellings and buildings.
Peter Langford (S615)	S615.002	Amend	Define "offensive industries".
Buller District Council (S538)	S538.003	Amend	Define "offensive industries", hazardous facilities and upper slopes"
Westpower Limited	FS222.045	Oppose in Part	Not stated
Grey District Council	FS1.409	Support	Allow
Karamea Lime Company (S614)	S614.002	Amend	Define "offensive industries".
Koiterangi Lime Co LTD (S577)	S577.002	Amend	Define "offensive industries".
Catherine Smart-Simpson (S564)	S564.005	Amend	Define "offensive industries".
William McLaughlin (S567)	S567.041	Amend	Develop a definition for "offensive industries".
Steve Croasdale (S516)	S516.001	Amend	Develop a suitable definition for offensive industries.
Geoff Volckman (S563)	S563.002	Amend	Develop a definition for "offensive industries".
Leonie Avery (S507)	S507.002	Amend	Develop a definition for "offensive industries"
Jared Avery (S508)	S508.002	Amend	Develop a definition for "offensive industries"

Kyle Avery (S509)	S509.002	Amend	Develop a definition for "offensive industries".
Avery Bros (510)	S510.002	Amend	Develop a definition for "offensive industries".
Bradshaw Farms (S511)	S511.002	Amend	Develop a definition for "offensive industries".
Paul Avery (S512)	S512.002	Amend	Develop a definition for "offensive industries".
Brett Avery (S513)	S513.002	Amend	Develop a definition for "offensive industries".
Chris & Jan Coll (S558)	S558.351	Amend	Develop a definition for "offensive industries".
Grey District Council	FS1.299	Support	Allow
Chris J Coll Surveying Limited (S566)	S566.351	Amend	Develop a definition for "offensive industries".
Laura Coll McLaughlin (S574)	S574.351	Amend	Develop a definition for "offensive industries".
David Ellerm (S581)	S581.005	Amend	Add new definition "Stakeholders: to include land owners"
David Ellerm (S581)	S581.006	Amend	Add new definition "Community"
Westpower Limited	FS222.068	Oppose	Disallow
David Ellerm (S581)	S581.008	Amend	Add new definition Environment to include both the built and natural landscape attributes of any given locality.
Buller Conservation Group (S552)	S552.222	Amend	Define "Environment": Environment includes: (a) Ecosystems and their constituent parts, including people and communities; and (b) all natural and physical resources; and (c) amenity values; and (d) the social, economic, aesthetic and cultural conditions which affect the matters stated in paragraphs a-c of this definition or which are affected by those matters.
Westpower Limited	FS222.0010	Oppose	Disallow
William McLaughlin (S567)	S567.038	Amend	Develop a definition for "tiny homes built on trailers"
Chris & Jan Coll (S558)	S558.318	Amend	Develop a definition for "tiny homes built on trailers"
Chris J Coll Surveying Limited (S566)	S566.318	Amend	Develop a definition for "tiny homes built on trailers"
Laura Coll McLaughlin (S574)	S574.318	Amend	Develop a definition for "tiny homes built on trailers"
Westpower Limited (S547)	S547.026	Amend	Add a new definition of Locational Need, means the need to locate a

			proposal or activity within or through that environment, including a need to locate where the resource is available.
Inger Perkins (S462)	S462.004	Amend	Include the definition of sustainable development " Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs, or the practice of maintaining productivity by replacing used resources with resources of equal or greater value without degrading or endangering natural biotic systems"
Westpower Limited	FS222.0166	Oppose	Disallow
Transpower New Zealand Limited (Transpower) (S299)	S299.020	Amend	Insert a definition as follows: MINIMISE means to reduce to the smallest amount reasonably practicable
Royal Forest & Bird Protection Society of NZ Inc. (Forest & Bird)	FS34.024	Oppose in Part	Disallow
Manawa Energy Limited (Manawa Energy) (S438)	S438.001	Amend	Replace the word 'minimise' with appropriate wording such as 'avoid, remedy or mitigate' throughout the Plan.
Transpower NZ Ltd	FS110.030	Support	Allow
Royal Forest & Bird Protection Society of NZ Inc. (Forest & Bird)	FS34.053	Support	Allow
Grey District Council (S608)	S608.499	Amend	It is recommended that a definition of Statutory Agency is included in the plan. This will provide clarity on what agency the rules are applicable to.
Waka Kotahi NZ Transport Agency (Waka Kotahi) (S450)	S450.011	Amend	Include new definition of Statutory Agency

Analysis

Subdivision, Use and Development

390. Buller Conservation Group (S552.031) and Frida Inta (S553.031) seek that a definition be provided for Subdivision, use and development that refers to land only. I do not see the need for such a definition. It would also be incorrect, as the Plan also applies to activities on the surface of water.

Character

391. Buller Conservation Group (S552.220) seek a definition of character. There are multiple uses of character in the Plan – natural character, rural character, neighbourhood character. These have quite different meanings depending on their context and are

used in policies and overview statements and I do not consider defining character to be necessary to interpreting the Plan.

Amenity plantings

392. Ngāi Tahu (S620.404) seeks a definition of “amenity plantings” around dwellings and buildings. I have searched through the plan and am unable to find the reference to amenity plantings around dwellings and buildings. My understanding of their submission is that potentially they wish the Plan to clarify that amenity plantings are not covered by Rule SASM – R16. This matter will be considered further in the s42A report for Sites and Areas of Significance to Māori. At this point I do not see the need for the definition.

Offensive industries

393. Eighteen submitters seek a definition for the term “offensive industries”. This term is mentioned once in the plan – in Policy SASM - P11 which supports Rule SASM – R17. Rule 17 specifically relates to: Landfills, waste disposal facilities, new crematoria, hazardous facilities, intensive indoor primary production, wastewater treatment plants and wastewater disposal facilities. A definition for “offensive industries” would therefore list those activities. I note that Buller District Council (S538.003) also seek a definition for hazardous facilities and upper slopes – this part of the submission is addressed in the Sites and Areas of Significance to Māori s42A report.

Stakeholders

394. David Ellerm (S581.005) seeks that a new definition of “Stakeholders” be included – and that this includes landowners. The term “Stakeholders” is used twice in the Plan – in relation to historic heritage items Policy HH – P2 and Rules BC – R2 in the Buller Coalfield Zone (formation of a stakeholder reference group). I assume that the submission principally relates to Policy HH – P2. I consider that a reasonable person would consider that the owner of a heritage building or site is a stakeholder in any RMA process, however I do not oppose the inclusion of a definition to address concerns about process.

Community

395. David Ellerm (S581.006) seeks a new definition of “community” is added to the Plan. I do not consider this is necessary as any definition is likely to narrow rather than widen the term. The term community is very context driven depending on the activity – it could be the immediate community around an activity, it could be a whole town, a whole district or all people in New Zealand.

Environment

396. David Ellerm (S581.008) and Buller Conservation Group (S552.222) seek a new definition of Environment. If this term is to be defined in the Plan then the National Planning Standards term applies.

Tiny Homes Built on Trailers

397. William McLaughlin (S567.038), Chris & Jan Coll (S558.318), Chris J Coll Surveying Limited (S566.318) and Laura Coll McLaughlin (S574.318) seek that a definition for “tiny homes built on trailers” be included. This relates to these submitters’ other submissions on the definition of Building and the desire to exclude tiny homes built on trailers from that definition. While this matter will be discussed further in other s42A reports (in relation to the rules around tiny homes) I currently do not consider there is a need for this definition.

Locational Need

398. Westpower Limited (S547.026) seeks a new definition of Locational Need. This is alternative relief to their submission to amend the definition of Functional Need. I do not consider this definition is necessary. The New Zealand Coastal Policy Statement and other national directions include the terms Functional and Operational Need to address the locational matters sought by Westpower. For example, a port has a functional need to locate in the Coastal Marine Area and a hydro power turbine has a functional need to locate in or by a waterbody.

Sustainable Development

399. Inger Perkins (S462.004) seeks that a definition of Sustainable Development is included in the Plan. This term is not currently used in the Plan, and I do not consider a definition is necessary. The term Sustainable Management is used across the Plan and the National Planning Standards definition applies.

Minimise

400. Transpower (S299.020) seeks that the term "Minimise" be defined and provide suggested wording. Manawa Energy (S438.001) seek that term be deleted and replaced with "avoid, remedy or mitigate". I support the proposal from Transpower New Zealand to define the term which is used widely within policies across the Plan – often because the terms "avoid, remedy or mitigate" do not capture the policy intent. I support the wording proposed by Transpower.

Statutory Agency

401. The Grey District Council (S608.499) and Waka Kotahi (S450.011) seek that a definition of "Statutory Agency" be included in the Plan. This term is used in several chapters and allows for some Permitted Activities for the construction of natural hazard mitigation structures where these works are undertaken by a Statutory Agency. I support this submission.

Recommendations

402. That a new definition for "Offensive Industries" be included in the Plan as follows:

Offensive Industries: means, in relation to Sites and Areas of Significance to Māori, landfills, community scale waste disposal facilities, new crematoria, intensive indoor primary production, community scale wastewater treatment plants and community scale wastewater disposal facilities.

403. That a new definition for "Stakeholders" be included in the Plan as follows:

Stakeholders: includes landowners of the site in question.

404. That a new definition for "Environment" be included in the Plan as follows:

Environment: has the same meaning as in Section 2 of the RMA as set out below:

Includes:

(a) ecosystems and their constituent parts, including people and communities; and

(b) all natural and physical resources; and

(c) amenity values; and

(d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters

405. That a new definition for "Minimise" be included in the Plan as follows:

Minimise: means to reduce to the smallest amount reasonably practicable.

406. That a new definition for "Statutory Agency" be included in the Plan as follows:

Statutory Agency: means, in relation to construction of natural hazard mitigation structures, a District or Regional Council, Waka Kotahi – New Zealand Transport Agency, Transpower New Zealand, KiwiRail New Zealand or the Department of Conservation.

407. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

13. Submission on the National Direction Instruments

408. There are five submissions on the National Direction Instruments.

Submissions

Submitter Name	Submission	Position	Decision Requested
----------------	------------	----------	--------------------

/ID	Point		
Buller Conservation Group (S552)	S552.034	Support	Retain
Frida Inta (S553)	S553.034	Support	Retain
Buller District Council (S538)	S538.014	Support	Retain
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.083	Amend	Under National Environmental Standards Add a new second sentence, as follows: <u>requirements apply directly to activities and must be considered in addition to Plan provisions. If an activity... .</u>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.084	Amend	Amend the introductory statement to the Regulations section. The regulations included in this chapter listed below are those that come under the Resource Management Act 1991 (excluding the national environmental standards listed above). <u>Regulations are rules that apply directly to activities and must be considered in addition to Plan provisions. Unless otherwise stated with respect to rule in this Plan, where both a regulation and a Plan rule address the same matter, the more stringent requirement will apply.</u> These regulations are:

Analysis

409. Buller Conservation Group (S552.034), Frida Inta (S553.034) and Buller District Council (S538.014) support this section. This support is noted. Forest and Bird (S560.083 and S560.084) seek amendments that provide more explanation to the National Environmental Standards and Regulations parts of the chapter. I support these amendments as they provide clarity to the Plan user.

Recommendations

410. That the following amendment be made to the explanatory text under the National Environmental Standards header: National environmental standards (NESS) are prepared by central government and can prescribe technical standards, methods (including rules) and/or other requirements for environmental matters throughout the whole country or specific areas. Requirements apply directly to activities and must be considered in addition to Plan provisions. If an activity

411. That the following amendment be made to the explanatory text under the Regulations header: The regulations ~~included in this chapter listed below~~ are those that come under the Resource Management Act 1991 (excluding the national environmental standards listed above). Regulations are rules that apply directly to activities and must be considered in addition to Plan provisions. Unless otherwise stated with respect to rule in this Plan, where both a regulation and a Plan rule address the same matter, the more stringent requirement will apply. These regulations are:...

412. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

14. Submissions on the Tangata Whenua Chapter

413. There are 3 submissions on the Tangata Whenua Chapter.

14.1 Submissions on the Chapter as a Whole

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.044	Support	Retain the chapter as notified unless a change is requested below.
Buller District Council (S538)	S538.015	Support	Retain
Tuwhenu Moriori Tau imi Ihi (S555)	S555.001	Amend	Amend the Tangata whenua section to reflect the history of the Moriori/ Waitaha people.

Analysis

414. Ngāi Tahu (S620.044) support the chapter as a whole, as it describes who mana whenua are for the West Coast and highlights the values and matters of importance to Ngāi Tahu. Buller District Council (S538.015) also supports the chapter. This support is noted.

415. Tuwhenu Moriori Tau imi Ihi (S555.001) seek that the chapter be amended. They are concerned that the chapter makes no mention or recognition of the original Waitaha people from the West Coast – who inhabited the area before Ngāi Tahu. There are still people on the West Coast who consider their primary whakapapa line is to the Waitaha people, and do not affiliate to Poutini Ngāi Tahu. They seek that the chapter be amended to reflect this.

416. I note that the first paragraph of the Tangata Whenua chapter does acknowledge the Waitaha people. I also note Section 9 The Ngāi Tahu Claims Settlement Act, states “ *For the purposes of this Act and any other enactment, unless the context otherwise requires, **Ngāi Tahu** and **Ngāi Tahu Whānui** each means the collective of individuals who descend from the primary hapū of Waitaha, Ngāti Mamoe, and Ngāi Tahu, namely Kāti Kurī, Kāti Irakehu, Kāti Huirapa, Ngāi Tuahuriri, and Kai Te Ruahikihiki*”. As the iwi authority for the West Coast Te Rūnanga o Ngāi Tahu supplied the text that was used in the Tangata Whenua chapter and I consider that any disagreement about the wording is a matter internal to Ngāi Tahu, rather than a matter that I can make a recommendation on. I therefore do not support the submission.

Recommendations

417. No amendments to the Plan are proposed as a result of these submissions.

418. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

14.2 Te Tangata Whenua

Sub-heading	Submitter Name /ID	Submission Point	Position	Decision Requested
Te Tangata Whenua	Te Rūnanga o Ngāi Tahu, Te Rūnanga o	S620.045	Support	Retain notified version

	Ngāti Waewae, Te Rūnanga o Makaawhio (Ngāi Tahu) (S620)			
Te Tangata Whenua	Minerals West Coast (S569)	S569.024	Support	Retain TTPP provisions (e.g. page 71) concerning pounamu and aotea (bluestone).
Te Tangata Whenua	The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.034	Oppose	Delete reference to Te Runanga o Ngati Waewae exclusively possessing the 'tino Rangatiratanga over the whole of the Ngai Tahu takiwa
Te Tangata Whenua	The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.002	Amend	If the 'One Plan' committee views that the issue is beyond them then Māwhera Inc submits the Following:-Throughout the proposed "One Plan" document the document makes reference to Poutini Kai Tahu. Address if the reference directed at Poutini Kai Tahu the iwi (people) or the Mana Whakahono a Rohe group composed of Te Runaka o Kati Waewae, Te Runaka o Mahaki and Te Runaka o Kai Tahu who have named their group Poutini Kai Tahu. The document does not distinguish which Poutini Kai Tahu reference is directed to. No such reference is highly confusing.
Te Tangata Whenua	The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.022	Amend	Amend first paragraph to read Ngai Tahu comprises people who descend from the tribes five primary hapu as well as earlier Rapuwai, Hawea, Waitaha, <u>Kati Wairaki</u> and Kati Mamoe ancestors.
Te Tangata Whenua	The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.023	Amend	Amend second paragraph to include that the Ngai Tahu Claims Settlement Act does not give Te Runaka o Kai Tahu a mandate over Kai Tahu organisation(s) that were in existence who owned and managed

				ancestral land for Kai Tahu owners before the commencement of the act.
Te Tangata Whenua	The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.024	Amend	Amend to acknowledge iwi of other Ngai Tahu hapu that were given Māori Reserved land on Te Tai o Poutini at the time of the 1879 Young Commission.
Te Tangata Whenua	The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.025	Oppose	delete the reference to Te Runanga o Kati Waewae having the mandate to represent all Ngāi tahu iwi
Poutini Ngāi Tahu Values Principles and Resources	The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.027	Amend	Amend to state that Māwhera Inc. possess the exclusive right of Rakatirataka kaitiakitaka Mauri, Mahika Kai Ki Uta Ki Tai, Waihi Tapu, Taoka, and Resources of Significance values over the properties that Māwhera own and manage.
Poutini Ngāi Tahu and the Management of Natural Resources	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.046	Support	Retain notified version
Poutini Ngāi Tahu and the Management of Natural Resources	The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.001	Amend	All reference to Te Tai o Poutini Maori Reserves and the Awa Arahura be deleted from the proposed 'One Plan' except a statement in the One Plan that the 'tino Rakatirataka' (full exclusive authority) as to the Treaty that the Maori Reserves and the Arahura River on Te Tai o Poutini will be managed by the present day owners and their future descendants using parliamentary law as a guide for management.
Kaitiakitanga	Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o	S620.047	Support	Retain notified version

	Makaawhio (Ngāi Tahu) (S620)			
Tino Rangatiratanga	Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (Ngāi Tahu) (S620)	S620.048	Support	Retain notified version
Tino Rangatiratanga	The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.003	Amend	Amend to address if local government law applies to Maori land that has never been ceded to the Crown.
Mauri	Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (Ngāi Tahu) (S620)	S620.049	Support	Retain notified version
Mahinga Kai	Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (Ngāi Tahu) (S620)	S620.050	Support	Retain notified version
Ki uta ki tai	Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (Ngāi Tahu) (S620)	S620.051	Support	Retain notified version
Resources of significance to Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (Ngāi Tahu) (S620)	S620.054	Support	retain as notified
Taonga	Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (Ngāi Tahu) (S620)	S620.053	Support	Retain notified version
Statutory Acknowledgements	Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (Ngāi Tahu) (S620)	S620.056	Amend	Retain with the Statutory Acknowledgements section with the following amendments to the final paragraph:...The Councils will forward <u>copies, and seek advice and recommendations</u> for all

				resource consent applications which may affect a statutory acknowledgement to Te Rūnanga o Ngāi Tahu and Poekaka Poutini Environmental as the resource management agent of Poutini Ngāi Tahu.
Treaty Settlement Requirements	Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (Ngāi Tahu) (S620)	S620.055	Amend	Retain with the following changes in the Treaty Settlement Requirements section: These include rights in relation to the management of specified significant areas (statutory acknowledgement areas, <u>cultural redress lands</u> and Nohoanga). And include the following new section: <u>Cultural redress lands</u> <u>Cultural redress lands were returned to Te Runanga o Ngai Tahu ownership and are important for cultural, mahinga kai or conservation purposes (Part 11, Ngāi Tahu Claims Settlement Act 1998).</u> <u>Cultural redress lands provided in Te Tai o Poutini / West Coast are as follows: • Otukoro Iti • Lake Moeraki Reserve • Lake Mahinapua • Motutapu</u>
Treaty Settlement Requirements	The Proprietors of Māwhera Tiamana Māwhera Incorporation (Māwhera Incorporation) (S621)	S621.028	Oppose	Delete
Nohoanga	Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (Ngāi Tahu) (S620)	S620.057	Amend	retain with the following amendment: Nohoanga - Nohoanga entitlements provide a right of seasonal occupation and use for Poutini Ngāi Tahu <u>and Ngai Tahu whānui</u> of specified areas of Crown owned land near water bodies for harvest of natural resources (sections 255 to 268, Ngāi Tahu Claims Settlement Act 1998). <u>Nohoanga entitlements provided in</u>

				TeTai o Poutini/West Coast are in the following locations: • Cascade River • Karangarua River • Lady Lake • Lake Brunner/Moana • Lake Haupiri • Lake Kanieri • Mahitahi River • Mikonui River • Ōkarito • Waiatoto River • Punakaiki River • Pororari River • Taramakau River • Waia <u>Waia</u> River and Māori Lakes • Waiatoto Lagoon
Hapu and Iwi Planning Documents	Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (Ngāi Tahu) (S620)	S620.058	Amend	Retain with the following amendments: ...Both Ngāti Māhaki o Makaawhio and Ngāti Waewae have prepared Pounamu Management Plans which have been recognised by Te Rūnanga o Ngāi Tahu as planning documents. <u>Other planning documents that have been recognised as an Iwi Management Plan by Te Rūnanga o Ngāi Tahu include Te Mahaere Whakahaere o Te Tāwhiri a Te Makō: Lake Māhinapua Management Plan. These iwi management plans have been taken into account in this Plan through participation of Poutini Ngāi Tahu representatives in development of the Plan provisions.</u>
Hapū and Iwi Planning Documents	The Proprietors of Māwhera Tiamana Māwhera Incorporation (S621)	S621.026, S621.029	Oppose	Delete
Hapū and Iwi Planning Documents	Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (Ngāi Tahu) (S620)	S620.408	Amend	Retain with the following amendments: Amend the heading from Hapu and Iwi Planning Documents to Iwi/Papatipu Runanga Management Planning Documents'
Mana Whakahono a Rohe Agreements	Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o	S620.059	Amend	Retain with the following amendment to sentence one: The West Coast Regional Council has a

	Makaawhio (Ngāi Tahu) (S620)			<u>Mana Whakahono a Rohe agreement with Poutini Ngai Tahu. There is a Mana Whakahono a Rohe agreement between the West Coast Regional Council, the Poutini Ngai Tahu Runanga and Te Runanga o Ngai Tahu.</u>
--	------------------------------	--	--	--

Analysis

419. Ngāi Tahu (S620.045) support this chapter and Minerals West Coast (S569.024) support the provisions concerning pounamu and aotea. This support is noted.
420. Māwhera Incorporation (S621.034) oppose the reference to Te Rūnanga o Ngati Waewae exclusively possessing the 'tino Rangatiranga over the whole of the Ngāi Tahu takiwa". There is no such reference in this report, I do however note that under the Te Rūnanga o Ngāi Tahu Act and Ngāi Tahu Claim Settlement Act, that Te Rūnanga o Ngāi Tahu are in law the iwi authority for the whole of the West Coast.
421. Māwhera Incorporation (S621.002) seek that the plan clarifies if the references to Poutini Ngāi Tahu are to the iwi (people) or the Mana Whakahono a Rohe group composed of Te Runaka o Kati Waewae, Te Runaka o Mahaki and Te Runaka o Kai Tahu who have named their group Poutini Kai Tahu. The Plan has a definition for Poutini Ngāi Tahu, and I consider this provides sufficient clarity. It is based on the situation in law as outlined in the Te Rūnanga o Ngāi Tahu Act and Ngāi Tahu Claim Settlement Act.
422. Māwhera Incorporation (S621.022) seeks the first paragraph of the section be amended to include recognition of Ngāti (Kati) Wairangi (Wairaki) ancestors. Māwhera Incorporation (S621.024) also seeks amendment to this chapter to acknowledge iwi of other Ngai Tahu hapū that were given Māori Reserved land on Te Tai o Poutini at the time of the 1879 Young Commission. I consider that this chapter reflects Tangata Whenua as defined in the RMA. As discussed in previous sections, this is Ngāi Tahu and their Papatipu Rūnanga. In terms of other hapū being given Māori Reserved land, or other ancestors this doesn't mean they are mana whenua within the context of this chapter of the plan. I therefore do not support these submissions.
423. Māwhera Incorporation (S621.023) seeks amendment to this chapter to reflect that the Ngāi Tahu Claims Settlement Act does not give Te Rūnanga o Ngāi Tahu a mandate over Ngāi Tahu organisation(s) that were in existence and owned and managed ancestral land for Ngāi Tahu owners before the commencement of the act. Māwhera Incorporation also (S621.027) seek amendment to this chapter to state that Māwhera Inc. possess the exclusive right of Rakatirataka kaitiakitaka Mauri, Mahika Kai Ki Uta Ki Tai, Waihi Tapu, Taoka, and Resources of Significance values over the properties that Māwhera own and manage.
424. I refer again to the Ngāi Tahu Claims Settlement Act and the Te Rūnanga o Ngāi Tahu Act. While the submitter may not relish or agree with the authority that Te Rūnanga o Ngāi Tahu hold as the iwi authority of the West Coast, their legal situation is clear. I therefore do not support this submission.
425. Māwhera Incorporation (S621.025) seeks amendment to this chapter that delete the reference to Te Runanga o Kati Waewae having the mandate to represent all Ngāi tahu iwi. There is no such statement in this chapter.
426. Ngāi Tahu (S620.046) support the section Poutini Ngāi Tahu and the Management of Natural Resources. This support is noted.
427. Māwhera Incorporation (S621.001) seeks that all reference to Te Tai o Poutini Maori Reserves and the Awa Arahura be deleted from the proposed 'One Plan' except a statement in the One Plan that the 'tino Rakatirataka' (full exclusive authority) as to the

Treaty that the Maori Reserves and the Arahura River on Te Tai o Poutini will be managed by the present day owners and their future descendants using parliamentary law as a guide for management. While I respect the position, I cannot not support this submission. The Plan has been prepared under the RMA and there is no provision in law to exempt any Māori or other landowner from its requirements.

428. Ngāi Tahu (S620.047 and S620.048) support the sections on kaitiakitanga and Tino Rangatiratanga. This support is noted. Māwhera Incorporation (S621.003) seeks that this section be amended to address if local government law applies to Maori land that has never been ceded to the Crown. Legal advice on this matter is clear. All land in New Zealand is subject to the provisions of the RMA.
429. Ngāi Tahu support the sections on Mauri (S620.049), Mahinga Kai (S620.050), Ki uta ki tai (S620.051), Resources of significance to Poutini Ngāi Tahu (S620.054) and Taonga (S620.053). This support is noted.
430. Ngāi Tahu (S620.056) seek amendments to the Statutory Acknowledgements section to reflect the agreements in the Mana Whakahono a Rohe agreement with West Coast Regional Council. I support these amendments as being consistent with that agreement.
431. Ngāi Tahu (S620.055) seek amendments to the Treaty Settlement Requirements section to refer to Cultural Redress Lands. I support this amendment as it provides more useful context. Māwhera Incorporation seeks that this section is deleted. I do not support this as the Plan is required by law to reflect the Treaty Settlement.
432. Māwhera Incorporation (S621.028) oppose the Treaty Settlement Requirements section and seek its deletion. I do not support this. TTPP is required to reflect the law.
433. Ngāi Tahu (S620.057) seek amendments to the Nohoanga section which better describe their use, include an omitted site and correct the spelling of one of the sites. I support this as providing better context for the sites and their use.
434. Ngāi Tahu (S620.058) seek amendments to this section to include other planning documents that have been recognised as an Iwi Management Plan. I support this amendment as a correction to the Plan. Māwhera Incorporation (S621.026, S621.029) oppose this section and seek its deletion. I do not support this as under the RMA, district plans are required to have regard to hapū and iwi planning documents.
435. Ngāi Tahu (S620.408) seek that the name of the Hapū and Iwi Planning Documents section be amended to be "Iwi/ Papatipu Rūnanga Management Planning Documents". I do not support this. As has been raised by other submitters, there are hapū on the West Coast who do not consider that they affiliate to Ngāi Tahu. They have a right to have any planning documents that they endorse to also be considered. While currently none have been submitted to the Tai Poutini Committee or West Coast Councils, I am aware of at least two documents that could potentially be considered Hapū Planning Documents by these hapū.
436. Ngāi Tahu (S620.059) seek amendments to the Mana Whakahono a Rohe Agreements section to make the wording of the text better reflect the partnership relationship. I support these amendments.

Recommendations

437. Amend the Statutory Acknowledgements section final paragraph as follows: The Councils will forward copies and seek advice and recommendations for all resource consent applications which may affect a statutory acknowledgement to Te Rūnanga o Ngāi Tahu and Pokeka Poutini Environmental as the resource management agent of Poutini Ngāi Tahu.
438. Amend the Treaty Settlements section as follows: These include rights in relation to the management of specified significant areas (statutory acknowledgement areas, cultural redress lands and Nohoanga). And include the following new section: Cultural redress lands Cultural redress lands were returned to Te Runanga o Ngai Tahu ownership and are important for cultural, mahinga kai or conservation purposes (Part 11, Ngāi Tahu

Claims Settlement Act 1998). Cultural redress lands provided in Te Tai o Poutini / West Coast are as follows: • Otukoro Iti • Lake Moeraki Reserve • Lake Mahinapua • Motutapu/

439. Amend the Nohoanga section as follows: Nohoanga entitlements provide a right of seasonal occupation and use for Poutini Ngāi Tahu and Ngai Tahu whānui of specified areas of Crown owned land near water bodies for harvest of natural resources (sections 255 to 268, Ngāi Tahu Claims Settlement Act 1998). Nohoanga entitlements provided in TeTai o Poutini/West Coast are in the following locations: • Cascade River • Karangarua River • Lady Lake • Lake Brunner/Moana • Lake Haupiri • Lake Kaniere • Mahitahi River • Mikonui River • Ōkarito • Waitototo River • Punakaiki River • Pororari River • Taramakau River • ~~Waiata~~ Waita River and Māori Lakes • Waitototo Lagoon.
440. Amend the Hapū and Iwi Planning Documents section as follows: ~~Hapū and Iwi~~ and Papatipu Rūnanga Planning Documents: Both Ngāti Māhaki o Makaawhio and Ngāti Waewae have prepared Pounamu Management Plans which have been recognised by Te Rūnanga o Ngāi Tahu as planning documents. Other planning documents that have been recognised as an Iwi Management Plan by Te Rūnanga o Ngāi Tahu include Te Mahaere Whakahaere o Te Tāwhiri a Te Makō: Lake Māhinapua Management Plan. These iwi management plans have been taken into account in this Plan through participation of Poutini Ngāi Tahu representatives in development of the Plan provisions.
441. Amend the Mana Whakahono a Rohe Agreements section as follows: ~~The West Coast Regional Council has a Mana Whakahono a Rohe agreement with Poutini Ngai Tahu.~~ There is a Mana Whakahono a Rohe agreement between the West Coast Regional Council, the Poutini Ngai Tahu Runanga and Te Runanga o Ngai Tahu.
442. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

15. Submission on Appendices Five and Six

There are three submissions on Appendix Five and Six.

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.390	Amend	Retain Appendix Six with the following inclusion (note we have included the table headings for clarification): <u>Waterbody: Pororari River Site: Pororari River Site Legal Description/Allocation Plan: 1 hectare, approximately, being Part Seabed. Subject to survey, as shown on Allocation Plan MN 185 (SO 15491).</u>
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (Ngāi Tahu) (S620)	S620.389	Amend	Retain Appendix Five with the following amendments: Section 208 of that act requires that local authorities have regard to these statutory acknowledgements in resource consent processing under sections 93 to 94 <u>the notification provisions</u> of the Resource Management Act 1991 (Notification of resource consents). Section 220 of the NTCS Act requires that all regional policy statements, district plans and regional plans have information recording those statutory acknowledgements for areas covered by the policy statement or plan attached to them.
Buller District Council (S538)	S538.634	Support	Due to time constraints, Council staff have not reviewed all the Appendices in detail but generally support these.

Analysis

443. Buller District Council (S538.634) support the appendices, this is noted.
444. Ngāi Tahu (S620.390) seek an amendment to Appendix Six as due to a drafting error omitted the Pororari River Site from the list of Nohoanga sites. I support this amendment.
445. Ngāi Tahu (S620.389) seek an amendment to Appendix Five that clarifies the role Statutory Acknowledgements with resource management instruments. I support this amendment as it provides clearer information for the Plan user.

Recommendations

446. That Appendix Six be amended to include the following nohoanga site: Waterbody: Pororari River Site: Pororari River Site Legal Description/Allocation Plan: 1 hectare, approximately, being Part Seabed. Subject to survey, as shown on Allocation Plan MN 185 (SO 15491).
447. That Appendix Five be amended as follows: Section 208 of that act requires that local authorities have regard to these statutory acknowledgements in resource consent processing under ~~sections 93 to 94C~~ the notification provisions of the Resource Management Act 1991 (Notification of resource consents). Section 220 of the NTCS Act requires that all regional policy statements, district plans and regional plans have information recording those statutory acknowledgements for areas covered by the policy statement or plan attached to them.
448. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 3.

16. S32AA Evaluation for all Recommended Amendments

449. Section 32AA of the RMA requires a further evaluation to be undertaken in accordance with s32(1)- (4) if any amendment has been made to the proposal (in this case TTPP) since the original s32 evaluation report was completed. Section 32AA requires that the evaluation is undertaken in a level of detail that corresponds to the scale and significance of the changes. Minor changes to correct errors or improve the readability of TTPP have not been individually evaluated. In terms of s32AA, these minor amendments are efficient and effective in improving the administration of TTPP provisions, being primarily matters of clarification rather than substance.
450. I consider the recommended changes are of a minor nature and are intended to improve the workability of TTPP, and therefore further evaluation under s32AA is not required.

17. Conclusion

451. For the reasons included throughout this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.