

Te Tai o Poutini Plan – Section 32 Evaluation

Variation 1: Commercial Activities on the Surface of Water



Te Tai o Poutini
PLAN

A combined district plan for the West Coast

Table of Contents

1. Overview and Purpose	3
2. Introduction to the Resource Management Issue	3
2.1 Regulatory and Policy Direction	4
3. Resource Management Issue and Analysis	8
3.1 Background	8
3.2 Consultation and engagement	9
3.3 Operative Plan Provisions	10
3.4 Proposed Te Tai o Poutini Plan Provisions.....	11
2.5 Analysis of Te Tai o Poutini Plan Approach.....	12
4. Scale and Significance Evaluation.....	13
4.1 Explanation Summary	13
4 Evaluation of the Proposed Variation	14
4.1 Description of the Proposed Provisions	14
4.2 Evaluation of Options	15
5. Summary	16

1. Overview and Purpose

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

The analysis set out in this report is to fulfil the obligations of the Council under s32 of the RMA. This section 32 evaluation report relates to the evaluation of options for the management of Commercial Activities on the Surface of Water associated with the Ports of Greymouth and Westport.

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

This s32 evaluation report relates only to the provisions in the proposed Variation 1 to Te Tai o Poutini Plan. This Variation seeks to explicitly provide for commercial activities associated with the Ports of Greymouth and Westport as a Permitted Activity. It includes the addition of a new Policy ASW - P4, a new Rule ASW R – 4A, and the amendment to the title of Rule ASW – R6.

2. Introduction to the Resource Management Issue

Activities on the surface of water are regulated as part of the District – Wide Matters section of Te Tai o Poutini Plan. These provisions principally regulate structures, use of motorised watercraft and commercial activities on the surface of inland waterbodies on the West Coast. They do not regulate activities within the Coastal Marine Area, which is subject to the the West Coast Regional Coastal Plan (WCRCP).

The need for the Variation was brought about because of an omission in the proposed Te Tai o Poutini Plan (the proposed Plan). This failed to recognise that the Coastal Marine Area boundary, as set out in the WCRCP is downstream of these two ports. As a consequence commercial activities on the surface of Erua Lagoon, the Grey/Māwhera and Buller/Kawatiri Rivers is a Restricted Discretionary Activity under Rule ASW – R6.

The proposed Plan did not intend to regulate commercial port activities on the surface of water in this way and it was determined that a Variation was the most appropriate response.

The proposed Variation involves the insertion of a new policy and rule, and amendment of Rule ASW – R6 as follows (additions are underlined).

ASW - P4 – Enable the use of the Port of Greymouth and Westport Harbour Ports and their use of the Māwheranui/Grey and Kawatiri/Buller Rivers for port activities and commercial activities associated with the ports.

ASW – R4A – Use of watercraft for Commercial Activities and Port Activities on the Surface of Water

Activity Status: Permitted

Where: This is the use of the surface of water for commercial activities on water and other Port Activities

1. Associated with Port of Greymouth and harbour, and seaward of the State Highway 6 Bridge on the Māwheranui/Grey River, and including within the Erua Moana Lagoon; or
2. Associated with Westport Harbour Port and harbour, and seaward of the State Highway 67 Bridge on the Kawatiri/Buller River.

ASW – R6 Commercial Activities on the Surface of Rivers, Lagoons and Lakes not associated with Westport Harbour Port and Port of Greymouth

Activity Status: Restricted Discretionary

2.1 Regulatory and Policy Direction

2.1.1 Part 2 of the RMA

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety. In achieving this purpose, authorities need also to recognise and provide for the matters of national importance identified in s6, have particular regard to other matters referred to in s7 and take into account the principles of the Treaty of Waitangi referred to in s8.

A number of provisions have been included throughout the Proposed TTPP in relation to activities on the surface of water, in response to the requirements in Part 2, including particularly s6(a) concerning the protection of the natural character of rivers and lakes and their margins, s6(c) regarding the protection of significant indigenous vegetation and significant habitats of indigenous fauna, s6(d) relating to public access to and along the District's lakes and rivers, and s6(e) concerning the relationship of Maori and their culture and traditions with, for example, their ancestral lands and water.

Matters covered in s7(c) and s7(f) are also relevant to activities on the surface of water provisions in the Proposed Te Tai o Poutini Plan. Those parts of Part 2 that directly reference water, lakes and rivers set out the basic requirements that any District Plan must give effect to, within the functions of a District Council specified under section 31 of the RMA. Waterbodies can provide important sites for indigenous vegetation and habitat of indigenous fauna, both in their riparian margins and within the waterbodies themselves, and have natural character values. Sections 7(c) and 7(f) of the RMA relate to amenity values and the quality of the environment, both of which surface waterbodies contribute to.

2.1.2 National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management 2020 (NPS-FM) sets out an objective and policies relating to the management of freshwater resources.

While many of the objectives and policies relate to the functions of regional councils, those covering integrated management, and tangata whenua roles and interests are of relevance to the district council functions.

2.1.3 Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESF)

The NESF sets out a comprehensive suite of regulations in relation to freshwater. These regulations are administered by the WCRC on the West Coast.

2.1.4 New Zealand Coastal Policy Statement 2010 (NZCPS)

The Buller/Kawatiri and Grey/Māwhera Rivers discharge into the coastal marine area just downstream of the Ports. While the Ports are not legally within the coastal marine area, the waters of Erua Lagoon are almost entirely sea water, and the Buller River upstream to the SH67 Bridge and Grey River upstream to the SH7 bridge will also have significant volumes of sea water, and these areas fall within the Coastal Environment as identified within the proposed Te Tai o Poutini Plan. As such they are subject to the provisions of the NZCPS which has a specific policy addressing ports as follows:

Policy 9: Ports

Recognise that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connections with other transport modes, including by:

- a. ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of these ports, or their connections with other transport modes; and*
- b. considering where, how and when to provide in regional policy statements and in plans for the efficient and safe operation of these ports, the development of their capacity for shipping, and their connections with other transport modes.*

2.1.5 National Planning Standards

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

1. District Plan Structure Standard – requires that the chapter on Activities on the surface of water are included in a District Plan if relevant. The Activities on the surface of water chapter sits within the District Wide Matters section

2.1.6 West Coast Regional Policy Statement (WCRPS)

Chapter 6 of the WCRPS relates to regionally significant infrastructure. This chapter recognises that the Westport and Greymouth ports are regionally significant infrastructure. Specific relevant objectives and policies are:

Objective 6.1 Enable the safe, efficient and integrated development, operation, maintenance, and upgrading of regionally and nationally significant infrastructure.

Policy 6.2 Provide for the development, operation, maintenance and upgrading of new and existing RSI including renewable electricity generation activities and National Grid infrastructure

Policy 6.8 Land use and infrastructure should be integrated to avoid as much as practicably possible:

- a) Constraints through the lack of supporting infrastructure;*
- b) Unsustainable demands being placed on infrastructure to meet new growth;*
- c) Significant adverse effects on existing land uses.*

Chapter 8 of the WCRPS relates to land and water. Specific relevant objectives and policies are:

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

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

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

- a) Subdivision, use or development of land;*
- b) Discharges of contaminants to water and to land in circumstances which may result in contaminants entering water;*
- c) Water use and take; and*
- d) Activities in, or on, water including damming and diversion, will be avoided, remedied or mitigated, to ensure that water quality and aquatic ecosystems are maintained or improved.*

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

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

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

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

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

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

2.1.7 West Coast Regional Coastal Plan (WCRCP)

The Proposed Regional Coastal Plan (WCRCP) 2016 identifies the inland extent of the coastal marine area and only manages activities seaward of that inland extent. Adverse effects of activities in the coastal marine area that occur on landward landscapes, features and natural character are managed by the WCRCP. The Te Tai o Poutini Plan manages activities in the area landwards of the Mean High Water Springs, so it is not regulated by the provisions in the WCRCP.

The inland extent of the coastal marine area as set out in the WCRCP for both the Grey River and the Buller River is downstream of the ports of Greymouth and Westport. The coastal marine area boundary is shown in the maps below.



GREY RIVER/MĀWHERA/MAWHERANUI

Description: 5 x mouth at breakwater including Range Creek below culvert

Map Reference: [BT19 519 994](#)

Start: [1452020 5299519](#)

End: [1451796 5299219](#)

Image Scale: [1:30,000](#)

BULLER DISTRICT



BULLER RIVER/KAWATERE

Description: 900 metres upstream of a line between the tipheads (where the River enters the Tasman Sea)

Map Reference: [BR20 828 787](#)

Start: [1483028 5378712](#)

End: [1482499 5378605](#)

Image Scale: [1:30,000](#)

As a result of this there are no specific provisions within the West Coast Regional Coastal Plan for the port areas landward of these coastal marine area boundaries.

2.1.8 Iwi Management Plans

The RMA requires that when preparing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (section 74(2A)). There are three

iwi management plans on the West Coast/Te Tai o Poutini – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Mahinapua Management Plan.

While these documents focus on specific issues they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values. Natural landscapes may have cultural values such as pā, kāinga, ara tawhito (traditional trails), pounamu, mahinga kai, and wāhi ingoa (place names). The traditions of Ngāi Tahu tūpuna (ancestors) are embedded in the landscape.

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

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

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

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

3. Resource Management Issue and Analysis

3.1 Background

Activities on the Surface of Rivers and Lakes are normally controlled by a mosaic of regulation and agencies.

The Department of Conservation controls activities on the surface of rivers and lakes on the public conservation land. There are detailed provisions in the West Coast Conservation Management Strategy around this.

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

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

Section 31 of the RMA states that District Councils have the responsibility of controlling any actual or potential effects of activities on the surface of water in rivers and lakes.

Activities on the surface of the Buller and Grey Rivers are managed in the operative Grey and Buller District Plans respectively.

The Grey District Plan contains no specific provisions for Activities on the Surface of Water, treating these areas as managed under zone provisions. The Grey River is not zoned in the Grey District Plan. Erua Moana Lagoon is zoned Industrial Zone.

The Buller District Plan includes specific provisions for Activities on the Surface of Water. It identifies commercial activities associated with the Port of Westport, on the Buller River downstream of SH 67 as a Permitted Activity.

Te Tai o Poutini Plan (TTPP), the combined proposed District Plan for the West Coast, was notified on 14 July 2022. The proposed Plan was silent on activities on the surface of water associated with the Ports of Greymouth and Westport. However, with planning for redevelopment of the Ports being undertaken, it was identified in early 2023 that the TTPP may have inadvertently “caught” commercial activities associated with the port within the ambit of Rule ASW – R6 which relates to Commercial Activities on the Surface of Water.

Legal advice on this matter was sought, and it was determined that in order to avoid future issues, that a Variation to the Plan was the most appropriate way of ensuring that it was clear that Commercial Activities on the surface of water associated with the Port are a Permitted Activity. An example of commercial activity that might be “caught” by the current rules is establishing a paid ferry service, or potentially the visiting of Cruise Ships to the port waters.

The legal review identified that activities such as fishing (and associated processing), and transport of mineral aggregates would be defined as Industrial Activities under TTPP and are therefore not covered by Rule ASW – R6. In line with Section 9 of the RMA, if an activity is not specifically identified in a district plan, then it is considered a Permitted Activity. Therefore, industrial activities such as fishing, on board fish processing and transport of mineral aggregates are Permitted Activities in the proposed Plan.

3.2 Consultation and engagement

After initial discussions with the Grey and Buller District Councils (port owners) and the West Coast Regional Council (regulator of marine activities through Bylaws and the WCRCP) a draft Variation was prepared.

In November 2023, public information on the Variation was provided on the TTPP website and information was also included in a public notice in the newspapers. Information about the Variation was sent out to all submitters to the Activities on the Surface of Water Chapter of TTPP, to the port authorities, Councils, Department of Conservation and iwi authorities to seek their feedback.

Feedback was received from six persons, including the Greymouth Port authority. This feedback was supportive of the Variation, with some minor amendments to the wording proposed.

An overview of their feedback and a summary of recommended amendments to draft provisions is contained in a report that was presented to the TTPP Committee on 14 February 2024, as per details below.

Title	Te Tai o Poutini Plan – Feedback on Draft Variation to Activities on the Surface of Water Chapter and Recommendation to Proceed with Variation
Author	Lois Easton
Brief synopsis	Summarises feedback from consultation and recommends adoption of Variation for notification.
Link to Document	https://tppp.nz/wp-content/uploads/2024/02/Agenda-Te-Tai-o-Poutini-Plan-Committee-14-February-2024.pdf

3.3 Operative Plan Provisions

Buller District Plan

The Buller District Plan became operative on 28 January 2000. While it contains no specific objectives around activities on the surface of water, the most relevant objective is:

Objective 4.4.13.1 Promote land use activities which maintain or improve the water quality of the District's rivers and do not adversely affect water quantity, in order to safeguard the life supporting capacity of water.

There is one policy in relation to Activities on the Surface of Water as follows:

4.4.14.6. Council has identified the following lakes, coastal estuaries and other waterways as places where the use of motorised craft is inappropriate because of the disturbance to wildlife, conflict with other users, degradation of natural character and disruption of natural quiet.

4.4.14.6.1. There be no provision for motorised craft use on:

- *Lake Christobel*
- *Lake Hanlon*
- *Kohaihai River*

4.4.14.6.2. In the following water bodies, the use of motorised water craft with an engine capacity of less than 5 horse power is permitted:

- *Lake Daniells*
- *Punakaiki River: upstream of the road bridge*
- *Pororari River: upstream of the road bridge*
- *Otomahana Lagoon*
- *Orowaiti River: upstream of the rail bridge*
- *Okari: upstream of the road bridge*

In terms of rules, the Buller District Plan contains the following rules in relation to Commercial Activities on the Surface of Water:

Rural Zone

5.3.2.1 Permitted Activities

...

5.3.2.1.5. Any commercial activities associated with the Port of Westport and carried out on the surface of the Buller River.

Grey District Plan

The proposed Grey District Plan was publicly notified in December 1999. The plan contains one objective, and two policies that relate to activities on the surface of waters. These are as follows:

Objective 6.3.1 To avoid, remedy or mitigate adverse effects arising from conflicting activities on the surface of waters.

Policy 6.4.1 Activities should be separated on the surface of water where there is a potential for conflict.

Policy 6.4.2 Activities on the surface of water should not adversely affect public access, water quality and amenities such as quietness.

The Grey District Plan does not have specific rules for activities on the surface of waterbodies – instead controlling these as though there were land uses on zoned land. The Plan does not zone the Grey River and Erua Moana Lagoon is zoned Industrial Zone.

3.4 Proposed Te Tai o Poutini Plan Provisions

The proposed TTPP was publicly notified on 14 July 2022 and contains one objective and three policies in relation to Activities on the Surface of Water as follows:

ASW – O1 The ecological, recreational, natural character, amenity and Poutini Ngāi Tahu values of the District's rivers, lakes and lagoons are protected from the adverse effects of activities and structures on the surface of water.

ASW – P1 The ecological, recreational, natural character, amenity and Poutini Ngāi Tahu values of the District's rivers, lakes and lagoons are protected from the adverse effects of activities and structures on the surface of water.

ASW – P2 Enable the non-commercial use of motorised water craft on rivers lakes and lagoons on the West Coast where this does not impact significantly on natural character, ecosystem and biodiversity values, Poutini Ngāi Tahu values, public access, amenity or disruption of natural quiet.

ASW – P3 Provide for commercial activities and structures on the surface of West Coast/Te Tai o Poutini rivers, lakes and lagoons provided that the activity does not create:

- a. Adverse effects on
 - i. Significant natural heritage values including identified scheduled sites;
 - ii. Cultural and spiritual values including sites and areas of significance to Māori;
 - iii. Poutini Ngāi Tahu values and in particular as relate to culturally significant rivers and lakes;
- b. Significant adverse effects on
 - i. Amenity values;
 - ii. Ecological values;
 - iii. Natural character;

- iv. Other recreational uses; and
- c. Cumulative adverse effects with any other structures or activities on the surface of waterbodies.

Alongside this objective and policies there are seven rules which regulate structures, watercraft and commercial activities on the surface of water.

In relation to commercial activities these are regulated under Rule ASW – R6 as follows:

ASW - R6	Commercial Activities on the Surface of Rivers, Lagoons and Lakes
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any commercial activity on the Makaawhio River, Arahura River, Lake Mahinapua, Mahinapua Creek/Tuwharewhare, Makatata Stream, Saltwater Lagoon (at Paroa), Waitangiroto River or Kaimata/New River is in accordance with an Iwi/Papatipu Rūnanga Management Plan and has written approval of the relevant Poutini Ngāi Tahu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Effects on public access and recreational use of the waterbody; b. Effects on landscape, natural features or natural character of the waterbody and its margins; c. Effects on the amenity values or any adjacent residential activities; d. Effects on significant natural or historic heritage values including effects on scheduled sites or areas; e. Effects of noise on the natural character, ecological and amenity values; and f. Effects on Poutini Ngāi Tahu cultural values including access to mahinga kai and scheduled sites and areas. <p>Advice Note:</p> <ol style="list-style-type: none"> 1. Where activities are proposed on the surface of waterbodies within Sites and Areas of Significance to Māori these also subject to rules in the Sites and Areas of Significance to Māori Chapter. 	

2.5 Analysis of Te Tai o Poutini Plan Approach

Rule ASW – R6 does not specifically provide for commercial activity associated with the Greymouth and Westport Ports. Commercial activity is defined using the national planning standards definition as follows:

means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).

While there are no activities that have been caught by this rule to date, there are new activities associated with the ports that may be unnecessarily caught by this rule. In order to provide clarity and consistency with the rest of the Plan, which provides for Port Activities at the port as a Permitted Activity, it is considered important that a clear Permitted Activity for port activities, including commercial activities associated with the port, is included in the Plan.

4. Scale and Significance Evaluation

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

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

4.1 Explanation Summary

The level of detail of analysis in this report is low. The management of commercial activities on the surface of water links primarily to the amenity provisions of section 7 of the RMA. The effect of the Variation is expected to be low or minor in relation to the areas of evaluation.

4 Evaluation of the Proposed Variation

4.1 Description of the Proposed Provisions

The Plan Change has three components:

- 1) The addition of a new rule to allow for port activities and commercial activities associated with vessels entering and using Westport Harbour Port and Port of Greymouth as a Permitted Activity as follows:

ASW – R4A – Use of watercraft for Commercial Activities and Port Activities on the Surface of Water

Activity Status: Permitted

Where: This is the use of the surface of water for commercial activities on water and other Port Activities

1. Associated with Port of Greymouth and harbour and seaward of the State Highway 6 Bridge on the Māwheranui/Grey River and including within the Erua Moana Lagoon; or
2. Associated with Westport Harbour Port and harbour and seaward of the State Highway 67 Bridge on the Kawatiri/Buller River.

- 2) Amendment to Rule ASW – R6 as follows: (additions underlined)

ASW – R6 Commercial Activities on the Surface of Rivers, Lagoons and Lakes not associated with Westport Harbour Port and Port of Greymouth

Activity Status: Restricted Discretionary

- 3) The addition of a new policy to support the amendment of the rules as follows:

ASW P4 – Enable the use of the Port of Greymouth and Westport Harbour Ports and their use of the Māwheranui/Grey and Kawatiri/Buller Rivers for port activities and commercial activities associated with the ports.

4.2 Evaluation of Options

For this evaluation two options have been considered – Option A is the status quo, with the provisions of the Proposed Plan as Notified.

Option B is the proposed Variation.

Option	Benefits	Costs	Efficiency and Effectiveness	Risk of Acting/Not Acting
Option A: Proposed Plan as Notified		<p>Additional regulation for commercial activities associated with the ports is not consistent with efficient port function.</p> <p>Uncertainty about whether activities are “commercial” or “industrial” and whether consent is required.</p> <p>Doesn’t support redevelopment and upgrading of the ports and their role as regionally significant infrastructure.</p> <p>Costs to port users associated with resource consents.</p>	<p>Current provisions are confusing around what are Permitted Activities on the surface of water at the river ports and whether activities are commercial or industrial. It is not efficient or effective to have confusing or uncertain provisions.</p> <p>Management of vessels on the waters associated with the ports is managed by the Navigation Safety Bylaws associated with the ports and additional regulation through TTPP is not considered necessary and is a duplication of this regulation. This is not efficient.</p>	<p>The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions in the proposal.</p> <p>It is considered that there is certain and sufficient information about the provisions in this approach as they have been in place for 18 months and the confusion they created has had time to surface.</p>
Option B: Proposed Variation	<p>Removes unintended regulation of commercial activities at the ports.</p> <p>Supports redevelopment and expanded use of regionally significant infrastructure.</p>		<p>The proposed provisions are a more effective and efficient option than the proposed Plan as they reduce the overlap between the different layers of regulation.</p>	<p>The TTPP Committee has sufficient information to determine the effect of the provisions.</p> <p>The provisions are similar to the Buller District Plan in relation to Westport Harbour Port – there is</p>

	More clearly supports commercial activities that have a functional need to be undertaken on the surface of waters associated with the river ports.		The proposed approach is consistent with the NZCPS.	good experience of their effectiveness and what activities require management. There is sufficient information about the risk of acting.
Quantification: Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.				
Summary: In order to meet the requirements of the WCRPS and the RMA the most appropriate option is Option B: Proposed Variation. The proposed provisions are considered to be the most effective means of achieving the objective(s) at this time as together they will: - give effect to the NZCPs - enable the efficient use of port infrastructure without the duplication of regulation - ensure that adverse effects of other types of commercial activities on the surface of water are managed appropriately - enable the councils to effectively administer TTPP and to monitor the outcomes of the proposed provisions in a clear and consistent manner.				

5. Summary

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA.

The evaluation demonstrates that this proposal is the most appropriate option: -

The new policy and rule provide direction and certainty to plan users on the outcomes expected for commercial activities on the surface of water associated with the river ports and that these should be a Permitted Activity.

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