

Before the Independent Hearing Panel  
Appointed by West Coast Regional Council

Under the Resource Management Act 1991  
In the matter of a Hearing on Submissions on the Proposed Te Tai Poutini  
Plan  
Hearing Stream Rural, Rural Lifestyle and Settlement Zones  
Tauranga Bay Holdings Limited  
Submission Numbers: 597 / Further submission: 32

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**EVIDENCE OF CLAIRE ANDREA MCKEEVER**

**PLANNING**

4 July 2024

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## **INTRODUCTION**

- 1 My name is Claire Andrea McKeever.
- 2 I hold a Bachelor of Surveying with Honours from Otago University and I have 23 years experience in land development in both surveying and planning disciplines. I have had 17 years of experience working in Resource Management (as a Planner) in both local government and private consultancy (since 2006).
- 3 I am a full Member of the New Zealand Planning Institute.
- 4 I have been an Associate at Eliot Sinclair Limited since 2019 and currently hold the position of Principal (since 2023).
- 5 My expertise relates primarily to land development Resource Management for subdivision, rezoning and land use contexts primarily across the Greater Christchurch and the Nelson & Tasman regions. I presented evidence and attended hearings before the Independent Hearing Panel for the Proposed Selwyn District Plan in 2023 and more recently in 2024 for the Proposed Waimakariri District Plan (PWDP). This will be my first hearing to appear before the Independent Hearing Panel appointed to hear submissions in relation to Te Tai o Poutini Plan (TTPP).

## **CODE OF CONDUCT FOR EXPERT WITNESSES**

- 6 While this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence. Other than when I state 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.

## **SCOPE OF EVIDENCE**

- 7 In my evidence I address the following issue:
  - (a) The S.42A Report relating to the Rural Zones, recommendation to reject the rezoning submission (not dated).

## CONTEXT

- 8 This evidence is provided on behalf of Tauranga Bay Holdings (Submission #597) to support their submission that requested a mixture of Rural Residential Precinct, Rural Lifestyle and General Rural Zone for their site at Tauranga Bay Road, Cape Foulwind in Westport.
- 9 The site consists of four parcels of land being Section 41 SO 13711, with an area of 10.4854 Ha, Section 2 SO 14304 with an area of 39.2743 Ha; Lot 1 DP 19769 with an area of 48.8289Ha and Lot 1 DP 12325 with an area of 0.7697 Ha giving a total land area of 99.3583Ha for the site which is currently zoned as Rural in the Operative Buller District Plan.
- 10 The site is located on the south-eastern side Tauranga Bay Road and fronting Wilsons Lead Road, extending approximately 380m on either side of the road from the turn off. The site is in Cape Foulwind, which is roughly 12km west of Westport.
- 11 The site is set back from the coast approximately 450m and is elevated from the coast with multiple properties and a local road between the subject site and the coast. The site does not have direct access to nor does it adjoin the coast. Therefore, does not restrict public use of the coastal marine area. The coastal processes are less likely to affect the site due to the terrain and distance of the site from the coast.
- 12 Figure 1 below illustrates an overview of the site location.



Figure 1: Site Location: Tauranga Bay and Wilsons Lead Road

- 13 In conjunction with my Eliot Sinclair colleagues, I was involved with the preparation of the technical planning report submission (attached in Appendix A) to support the Tauranga Bay Holdings Ltd Rezoning submission to request proposed Rural Residential Precinct, Rural Lifestyle, and General Rural Zone S.32AA lodged with West Coast Regional Council in November 2022 (submission #597) and further submission in May 2023 (FS#32).
- 14 I have prepared this evidence in relation to the s.42A Report recommendation for Rural Zones – Ngā Takiwa Tuawhenua, by Ms Lois Easton.

- 15 The Tauranga Bay Holdings property, as notified by the Proposed Te Tai o Poutini Plan (TTPP), is proposed to be General Rural Zone (GRZ) and Rural Lifestyle Zone (RLZ), and despite being set back approximately 450m from the physical coastline, is proposed to be within the Coastal Overlay as shown below in Figure 2.

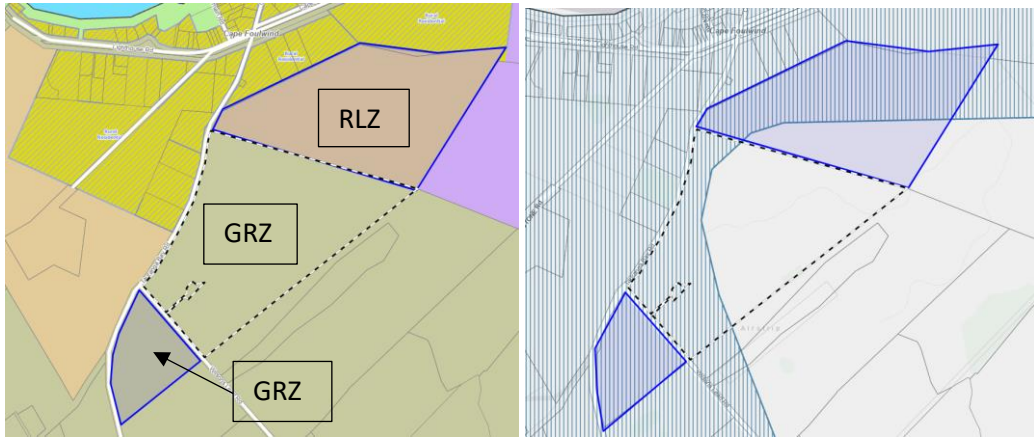


Figure 2: Proposed TTPP Zoning of the site and Surrounds and Coastal Overlay hatching.

- 16 This evidence is prepared in relation to matters that remain in contention between the submitter and Council with respect to the s.42A rezoning recommendation.
- 17 In preparing this statement of evidence I have reviewed the following documents:
- The s.42A report for the Rural Zone - prepared by Ms Lois Easton (un- dated, notified 19 June 2024) and Appendices;
  - TBHL Submission #597 attached in Appendix A
- 18 I have used the following abbreviations:
- TBHL (being Tauranga Bay Holdings Limited the submitter)
  - The Panel (being the Independent Hearing Panel)
  - The Council (being West Coast Regional Council in relation to TTPP)
  - BDC (Being Buller District Council)
  - TTPP (being the Proposed District Plan)
  - RLZ (being the Rural Lifestyle Zone)
  - GRZ (being the General Rural Zone)
  - SETZ-RRP (Being Rural Settlement - Rural Residential Precinct Zone – Precinct 4)
  - The original submission (being submission #597 dated 4 November 2022)
  - WCRPS (being the West Coast Regional Policy Statement)
  - NPS- HPL (being the National Policy Statement for Highly Productive Land)
  - NPS- UD (being the National Policy Statement for Urban Development)

## **SITE LOCATION**

- 19 The site remains unchanged from the time of the original submission and is currently zoned Rural under the Buller District Plan.
- 20 The site is vacant and is used for grazing. The site has an undulating terrain with deep gullies and an underlying iron pan, making the subject site difficult to be used for productive purposes.
- 21 There are no heritage, culturally significant or archaeological sites of significance identified for the site or surrounds.
- 22 The site is not identified as part of a natural character overlay or landscape area. The site is not within any identified significant indigenous biodiversity and significant natural areas, outstanding natural landscapes, outstanding natural features, high coastal natural character, or outstanding coastal character.

## **CLARIFICATION: NO PROPOSED CHANGES TO THE SUBMISSION**

- 23 There are no changes proposed to submission #597 that has been lodged on behalf of TBHL, though I note that the zone referred to in the submission as "Rural Residential Precinct (RRP)" is described in TTPP as the Settlement Zone – Precinct 4 – Rural Residential Precinct (SETZ-PREC4-RRP) being a subset zone of the Rural chapter.
- 24 No further submissions were received either supporting or opposing TBHL's original submission requesting rezoning of the site.
- 25 The submission requested that Council rezone the site from proposed GRZ and RLZ to SETZ-RRP, RLZ and GRZ to provide for additional supply in low density Rural Residential Precinct and Rural Lifestyle land within Buller District and contribute to additional land available for those looking for an alternative housing choice to residential or rural properties.
- 26 The proposed re-zoning proposes to provide for low-density Rural Lifestyle and Rural Residential housing in accordance with the Rural Lifestyle Zone and the Settlement Rural Residential Precinct Zone. The proposed Rural Lifestyle Zone provides for a minimum net site area of 1ha, while the proposed Rural Residential Zone provides for a minimum net site area of 4000m<sup>2</sup>.
- 27 The submission assessed the actual and potential effects on the environment and concluded effects would be less than minor, and identified positive effects that could result
- 28 No changes were proposed to any objectives, policies or zone rules of TTPP, however the submission requested a change to planning maps as shown in Figure 3 below.

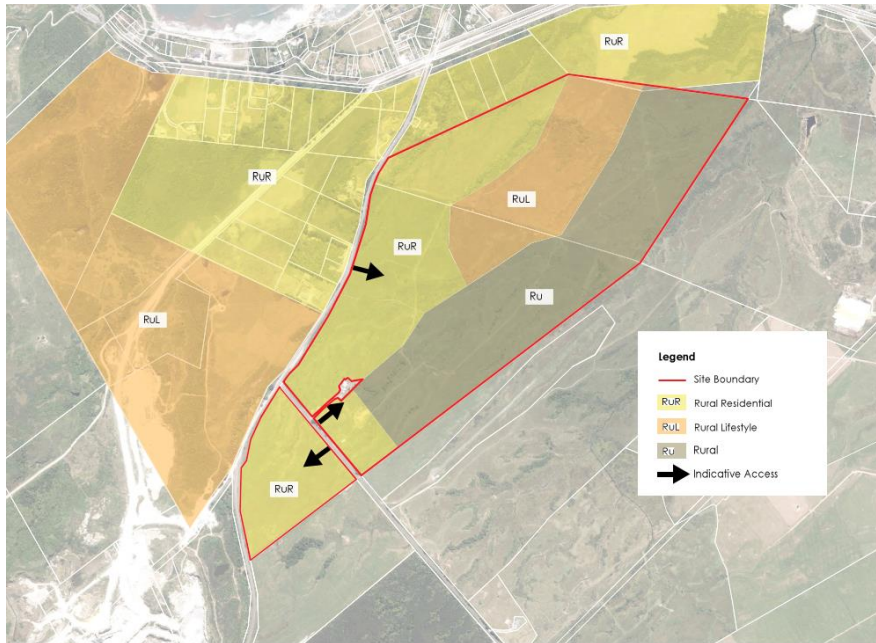


Figure 3: Proposed Zone amendments requested by submission #597.

## STRATEGIC CONTEXT

- 29 The strategic context remains unchanged from that assessed in the Submission report, which provided thorough assessments of NZ National Policy Statements, the West Coast Regional Policy Statement and the proposed TTPP Objectives and Policies. (See Appendix A)
- 30 In terms of key points of the strategic assessment that were provided as part of the submission, I note the following;

### New Zealand Coastal Policy Statement

- In respect of the New Zealand Coastal Policy Statement, TTPP takes account of this by proposing the Coastal Overlay partly over the site. The overlay proposed enables Council to consider earthworks and buildings/structures for consent purposes. The proposal is assessed as being consistent with Objectives 1-7 of the NZCPS and Policies 6, 13, 24 and 25 assessed as being the most relevant.

### National Policy Statement for Highly Productive Land

- The site does not meet the definition of Highly Productive Land under the NPS-HPL as a result of it being classified as Land Use Class 6.

### National Policy Statement for Urban Development

- In regard to the NPS-UD, the West Coast regional towns (such as Westport) are classified as Tier 3 and are encouraged to apply parts 2 and 3 of the NPS-UD, adopting whatever modifications to the NPS are necessary or helpful to enable them

to do so. Having noted that, the NPS-UD is not applicable to the site because an urban area is defined in the NPS-UD as “urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: is, or is intended to be, predominantly urban in character; and is, or is intended to be, part of a housing and labour market of at least 10,000 people.” The Cape Foulwind area does not meet this definition, further, the proposal requests various rural zones not urban development and therefore NPS-UD is not considered to be applicable.

#### West Coast Regional Policy Statement

- In regard to the WCRPS, the proposal is considered to contribute to enabling people and communities for their social, economic, and cultural well-being by rezoning land and providing more opportunities for different living options to nearby Westport. The proposed rezoning of the subject site is not considered to create any reverse sensitivity effects in relation to industrial or primary production on neighbouring land. Further, it will not impact mineral extraction and is not a land that has significant tourism infrastructure or regionally significant infrastructure. Given this, the proposal is considered consistent with the WCRPS objectives and policies of Chapter 4- ‘Resilient and sustainable communities’.
- Further, in relation to Chapter 4 of the WCRPS, the proposal will enable development opportunity to help provide a mixture of rural living options for Cape Foulwind and Buller District.

#### Te Tai o Poutini Proposed Objectives and Policies

- In regard to the proposed Objectives and policies of TTPP, the submission proposal is consistent with objectives RURZ-O1 to RURZ-O6 and policies RURZ-P1 to RURZ-P16 of TTPP, noting that; the proposal supports the expansion of the existing settlement where the subject site is considered as being at low risk of natural hazards making the subject site suitable for development. The site is perfectly placed and suited to achieving P2 by consolidating the Cape Foulwind settlement without dominating the landscape in a manner that is respectful of adjacent/industrial uses. The site does not have any identified cultural overlays and will not impact on Poutini Ngai Tahu’s cultural values, traditions, interest and ancestral lands. Further the subject site is not visible from the coast.
- The proposal is considered entirely consistent with SETZ-PREC4-P16 which requires that ‘*subdivision use and development within the Rural Residential Precinct should*

*maintain the predominant rural character and amenity values to include low – density housing and small scale rural activities, open space and privacy around buildings and onsite servicing and a general absence of urban infrastructure.*

- The proposal is considered consistent with Coastal Environment objectives CE-O1 to O3 and policies CE-P1 to CE-P8 which seek to preserve natural character, landscapes and biodiversity of the coastal environment, provide for cultural values, traditions and interests in the Coastal environment and also provide for activities with a functional need to locate in the coastal environment in a way that impacts on natural character, landscapes, features access and biodiversity values are minimised. The site, while in the Coastal Environment Overlay, is considered to be able to be developed in a manner that is consistent with above Coastal Environment TTPP objectives and policies where they are relevant.
- As shown above in Figure 2, the subject site is proposed under TTPP to largely remain Rurally Zoned with the northern parcel of the site proposed to be rezoned Rural Lifestyle (along a legal parcel boundary line). While neighbouring properties to the north and west of the site (across Tauranga Bay Road) are proposed to be rezoned Rural Residential Precinct and Rural Lifestyle.

### **RMA S.32AA EVALUATION**

- 31 The submission specifically included a s.32AA assessment of the option to rezone the site as requested by the submission to GRZ, SETZ-RRP and RLZ and; the alternate option (as proposed by Council) the status quo, to retain the proposed combination of RLZ and GRZ.
- 32 The S32AA assessment concluded that rezoning the site as requested by the submission (Option 2) to be the most efficient and the most effective option.

### **MATTERS RAISED IN SECTION 42A REPORT**

#### **Recommendation by Section 42A Report Rural Zones by Ms L Easton (Buller District Assessment paragraphs 437-438; pages 203 - 204)**

- 33 Ms Easton's full assessment of the submission is one paragraph on page 203 of the s.42A Rural report and is as follows:

*Tauranga Bay Holdings Ltd (s597.001) seek that 100ha of land at Lot 1 DP 19769, Section 2 SO 14304 and Section SO14304 is zoned from General Rural Zone to a combination of Rural Lifestyle Zone and Rural Residential Precinct as outlined on the maps in the submission. This submitter seeks that 100ha of land is rezoned – although the northern portion is already*



*zoned Rural Lifestyle Zone. I do not support this submission. There has been substantial rezoning at the Cape Foulwind area, including on part of this site. I consider the amount of rezoning at Cape Foulwind is more than sufficient to provide for the likely demand for rural lifestyle development in the Cape Foulwind area and that further rezoning is not appropriate*<sup>1</sup>.

- 34 I note that Ms Easton's report and consequently her conclusion to recommend the Panel reject the submission does not:
- State that there has been any discussion with Buller District Council staff in regard to the specific submission (#S597) or the wider Strategic aspirations of the Council in regard to the site,
  - *Does not attach any expert technical assessment* on behalf of Council to assess or review the technical reports provided with the submission (Geotechnical, Environmental, Civil engineering/servicing or Landscape reports) that the submitter has invested in to be able to make a comprehensive submission,
  - Does not attach any expert evidence (Economic, Real Estate market or otherwise) to support the assertion "*that sufficient zoning has been provided for likely demand for rural lifestyle development*" in the Cape Foulwind area.
  - Does not refer to (and appears not to consider) the merits of the submission, makes no specific assessment of actual and potential effects, nor its proposed consistency with proposed Objectives and Policies of TTPP or other strategic framework.
  - Does not acknowledge that the submission proposes to retain Rural zoning adjacent the eastern boundary and mirror the zoning proposed in TTPP for adjacent properties facing the site to the north and west.
- 35 It is surprising that the Council's Reporting Planner has recommended the submission be rejected solely upon the reason of sufficiency of zone and demand without also supplying relevant expert assessments to corroborate this recommendation.
- 36 The typical process would usually be for the s.42A report to balance the technical advice of Council experts, weigh up National, Regional and Local policy, while also assessing the overall effects resulting from a proposal on both the environment and people to be able to make an overall recommendation on an outcome. It is unclear how this has been assessed in the s.42A report in respect of the TBHL submission.

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<sup>1</sup> My Emphasis added

- 37 The recommendation for rejection, with little to no discussion of the comprehensive information provided with the submission is therefore unusual, given it does not appear to be balanced upon technical advice from the Buller District Council or West Coast Regional Councils.
- 38 I note that the Reporting Planner's report makes a number of other broader area statements earlier in the recommendation report about the general Cape Foulwind area and states at paragraph 415 (on page 196) that:
- When the cement works closed, the Cape Foulwind area, with its attractive coastline and proximity to Westport, has become a desirable location for residential development and there has been some limited subdivision. However, it is not an area that is, or is planned to be serviced by urban infrastructure and some aspects, such as the road layout and intersection design at Omau are particularly problematic from a safety perspective. Absence of major infrastructure is a major constraint to development of the area.*
- 39 I note that Ms Easton identifies in this statement exactly the reason why the wider area is popular in her first sentence, however I do not understand the broad-brush approach to disregard further development as a result of generalized (and not specific) traffic safety 'problems', nor the absence of 'urban' infrastructure.
- 40 Not only is the TBHL submission proposing onsite disposal of wastewater and stormwater, but also proposes water supply to be by rainwater tank on each site, which is typical of rural servicing used up and down the West Coast. A technical report was provided with the submission and I rely on the evidence of Mr P. Dumont in this regard.
- 41 The proposed zones requested are *rural zones*, not *urban* ones, and urban infrastructure is not expected nor relied upon for a favourable consideration of the submission. Further, it is usual practice and appropriate that at the time of development and subdivision, upgrades to existing infrastructure (such as roads and power supply for a rural site) are undertaken when needed by a developer to appropriately service a site.
- 42 In this case, the above proposed zone planning map in Figure 3 identifies the likely location for new intersections onto existing roads, which could be used to be inserted into TTPP as an Outline Development Plan<sup>2</sup> (or similar) to guide future development.

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<sup>2</sup> I note that the current Buller District Plan and TTPP do not have Outline Development Plans as are typical in Canterbury (required by the Canterbury Regional Policy Statement). While these are typically used for Urban development, there is no reason why they could not be used in this context for rural development also.

43 Further, Buller District Council website<sup>3</sup> in December 2023, refers to the Council working toward upgrading the Omau intersection to improve road safety. According to the website, Council states that it has funding available for the project in the 2023/2024 financial year and was seeking further contribution from Waka Kotahi for the 2024/20245 financial year, with the intent to commence improvement works in mid-2024 if extra funding was approved. It is noted that these works are located at the northern end of Tauranga Bay Road at the intersection with Limestone Road and Cape Foulwind north of the subject site. These planned improvement works appear to be for the same road intersection that Council's planner has referred to as *the road layout and intersection design at Omau are particularly problematic from a safety perspective...*

44 Ms Easton's report at subsection 416 on page 196 goes on to state:

*As part of the development of TTPP, careful consideration of zoning at Cape Foulwind was made by Buller District Council. There has been significant upzoning of land around the Omau settlement, as well as some of the undeveloped land formerly owned by the cement works as a buffer for their heavy industry ... However, the basic infrastructure constraints to the area remain, and the Buller District Council does not support further expansion of the Omau settlement beyond what was included in the proposed Plan.*

45 My interpretation of this comments is that Ms Easton has confirmed that Buller District Council has not re-considered the site (or has perhaps not been asked to) as a result of the submission process, given that;

- The original TTPP up-zoning of a portion of the site at the northern end (Section 2 SO14304) to Rural Lifestyle zone follows a legal parcel boundary only and does not appropriately take account of site topography and proximity to access off Tauranga Bay Road to feasibly develop the north east corner of the site that TTPP proposed to rezone (by legal boundary only);
- Infrastructure constraints are referred to above, however reticulated infrastructure is not requested or relied upon for this proposal, noting that the land (if zoned as proposed) would enable allotments large enough for onsite disposal where necessary and for the collection of rain water.

46 I consider that if the Council and Buller District Council *as part of the development of TTPP*, made *careful consideration of zoning at Cape Foulwind*, and were already proposing to

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<sup>3</sup> <https://bullerdc.govt.nz/blog/intersection-safety-improvements-on-the-cards-for-omau-cape-foulwind/>

change the northern part of the Submitter's site (Section 2 SO14304) from Rural to Rural Lifestyle zone, thus contributing to *significant upzoning of land around the Omau settlement*, as described above, then Council would at least also consider the landowner submission that proposes to further revise proposed zone boundaries that better suits additional technical information on landscape, topography, access, geotechnical and servicing considerations that Council did not have access to when making its original rezoning recommendation.

- 47 Ultimately submission seeks to redistribute and realign the new RLZ zoning proposed by Council itself to a more suitable location on the site, while also taking the opportunity to add additional new SETZ-RRP zone in a location where it will face other SET-RRP zoned land proposed by Council in TTPP opposite the site on Tauranga Bay Road.

### **CONCLUSION**

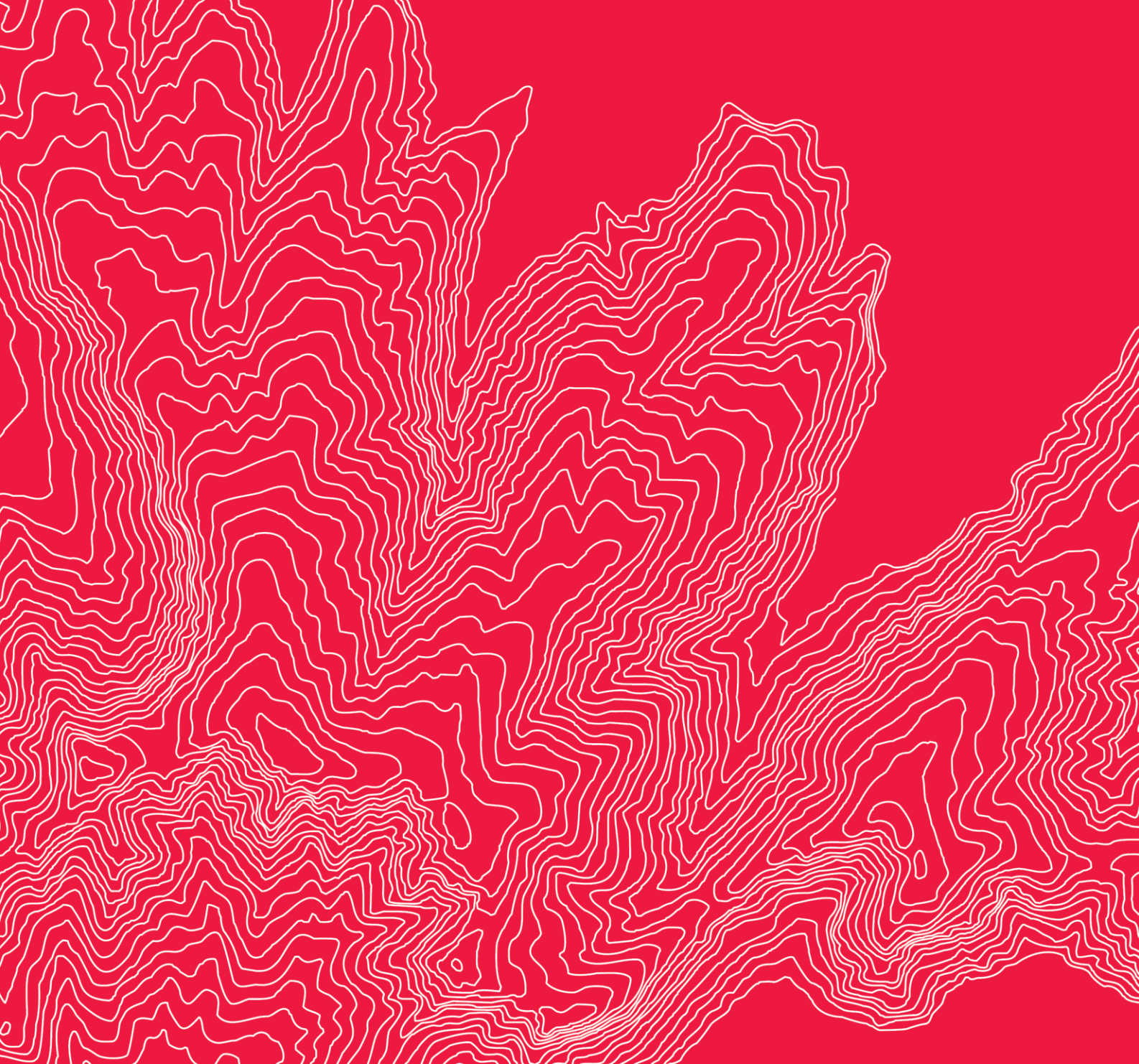
- 48 Overall, given the above, I consider that given the site can feasibly be rezoned as proposed, when the additional information in the technical reports provided with the submission are taken into account.
- 49 I consider that the proposal can contribute to enabling people and communities for their social, economic, and cultural well-being by rezoning land and providing more opportunities for different living options to nearby Westport in a way that is consistent with the NZCPS, relevant NPS's, WCRPS and proposed objectives of TTPP itself.
- 50 I consider that the proposed zoning as requested by the submission is the most efficient and appropriate option for the site as assessed by the s.32AA report provided as part of the Submission.
- 51 I also consider that the proposed zoning has been demonstrated by the submission to meet the purpose and principles of the Resource Management Act 1991.
- 52 Overall, I consider that the Panel will be able to see the merits of the submission to support and recommend approval of the proposed Rural Residential Precinct, Rural Lifestyle and General Rural Zone for the site.
- 53 Thank you for the opportunity to present my evidence.

Dated 4 July 2024



Claire McKeever

Appendix A: Submission #597 as submitted on behalf of Tauranga Bay Holdings Ltd



# Section 32AA Planning Assessment

Tauranga Bay Road, Westport  
Prepared for Tauranga Bay Holdings Ltd  
510783

**eliot  
sinclair**

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## Section 32AA Planning Assessment

Tauranga Bay Road, Westport


Prepared for Tauranga Bay Holdings Ltd

510783

Quality Control Certificate

Eliot Sinclair & Partners Limited

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Action	Name	Signature	Date
Prepared by:	Ella Mowat Resource Management Planner BSc Geog PG Cert Plan ella.mowat@eliotsinclair.co.nz		3 November 2022
Reviewed by:	Bryan McGillan Resource Management Planner Bryan.mcgillan@eliotsinclair.co.nz		3 November 2022
Directed and approved for release by:	Claire McKeever Resource Management Planner   Associate BSurv(Hons) MS+SNZ MNZPI claire.mckeever@eliotsinclair.co.nz		3 November 2022
Status:	Final		
Release date:			
Reference no:	510783		
Distributed to:	Tauranga Bay Holdings Ltd Te Tai o Poutini Plan Team PO Box 66, Greymouth, 7840		

## Planning Assessment for Submission

To Te Tai o Poutini Plan Submissions,  
PO Box 66  
Greymouth, 7840

From Tauranga Bay Holdings Ltd

Address for service of applicant:

Eliot Sinclair & Partners Ltd  
Como House, 51 Tancred Street,  
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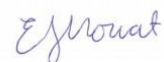
Attn: Proposed Te Tai o Poutini Plan Submission

Email: ella.mowat@eliot Sinclair.co.nz

Tauranga Bay Holdings Ltd ('the Submitter') makes this submission to the Proposed Te Tai o Poutini Plan. The Submission is to request the rezoning of the site at Lot 1 DP 19769, Section 2 SO 14304, and Section SO 14304, Tauranga Bay Road, Westport from proposed General Rural Zone and proposed Rural Lifestyle Zone to the proposed Rural Residential Precinct and Proposed Rural Lifestyle and General Rural zones.

This report provides the detailed technical information and Section 32AA assessment required to support the Submission.

The relief sought is to re-zone the site at Lot 1 DP 19769, Section 2 SO 14304, and Section SO 14304, Tauranga Bay Road, Westport.



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Signature of Tauranga Bay Holdings Ltd (or  
person authorised to sign on behalf of the  
applicant)

4 November 2022

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Date



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- Appendix D. Preliminary Site Investigation
- Appendix E. Landscape Assessment Report
- Appendix F. Regional Policy Statement
- Appendix G. Proposed Te Tai o Poutini District Plan Assessment

## 1. Introduction

1. Tauranga Bay Holdings Ltd ('the Submitter') is making a submission to the proposed Te Tai o Poutini Plan to rezone their site at Lot 1 DP 19769, Section 2 SO 14304, and Section SO 14304, Tauranga Bay Road, Cape Foulwind, Westport to be rezoned from proposed General Rural Zone and Rural Lifestyle Zone to proposed Rural Residential Precinct, Rural Lifestyle, and General Rural Zone. The proposal seeks rezoning to allow development to occur on appropriate parts of the property where the topography allows the different densities of the zonings.
2. The site has a proposed coastal overlay over part of the property. The site is currently zoned Rural under the Buller District Plan and is proposed to be zoned General Rural and Rural Lifestyle under the proposed Te Tai o Poutini Plan (TTPP). It is noted that neighbouring land in the vicinity has been proposed to be rezoned Rural Residential Precinct from Buller District Plan's Rural Zoning.
3. The proposal seeks to extend the proposed Rural Residential Precinct onto the subject site, extend the proposed Rural Lifestyle Zone and keep the balance of the land zoned General Rural. This submission is proposing zoning that will be located to appropriate areas of the property where different densities can be achieved.
4. Cape Foulwind and in particular this subject site, will enable additional capacity for rural residential/rural living opportunities to nearby Westport. It is noted that Alma Road terrace located in close proximity to Westport will be rezoned residential. The proposal will have the ability to add additional housing options in a hazard free zone (Appendix C) to nearby Westport township.
5. The Submission to the Proposed Te Tai o Poutini Plan has been assessed against the relevant higher level planning documents such as the RMA, National Policy Statements, National Environmental Standards, the West Coast Regional Policy Statement, and the Proposed Te Tai o Poutini Plan.
6. No changes are proposed to the Te Tai o Poutini Plan objectives, policies and rules, other than for the Planning Maps to be amended to show the site as Rural Residential Precinct, Rural Lifestyle, and General Rural Zone.
7. The following appendices are attached in support of, and form part of, the full submission:
  - Appendix A: Proposed New Zoning Plan
  - Appendix B: Record of Title
  - Appendix C: Technical Report (Infrastructure Servicing, Natural Hazards, Transport)
  - Appendix D: Preliminary Site Investigation
  - Appendix E: Landscape Assessment Report
  - Appendix F: Assessment of West Coast Regional Policy Statement 2020
  - Appendix G: Assessment of Proposed Te Tai o Poutini Plan

## 2. Site Description

8. The submission site is located in Cape Foulwind off Tauranga Bay Road, Westport and is legally described as Section 41 SO 13711, Sec 2 SO 14304, Lot 1 DP 19769 and Lot 1 DP 12325
9. The sites are all held in one record of title at present being RT 747162. The four sites have a total area of nearly 100 ha. The sites are located on the south-eastern side Tauranga Bay Road and front Wilsons Lead Road, extending approximately 380m on either side of the road from the turn off. The site is in Cape Foulwind, which is roughly 12km west of Westport. Figure 1 below illustrates an overview of the site location.



Figure 1: Site Location



Figure 2: Close up of Site

10. The site is located in Cape Foulwind within the Buller District and adjoins existing proposed Rural Residential Precinct zoning and proposed Rural Lifestyle zones. The current operative zoning under the Buller District Plan has the whole of the Cape Foulwind peninsula zoned Rural.
11. The property has a portion of the site with Coastal Environment Overlay on it but has no other overlays on the site. The site is approximately 450m from the coast at its closest point. The site has not been identified as a High or Outstanding Coastal Environment.
12. The site has undulating terrain with deep gullies and an underlying iron pan, making the subject site difficult to be used for productive purposes. To maximise use of the site for rural productive purposes the site would require removal and remediation of this iron pan. This is not considered feasible due to the cost of doing this.
13. There are no cultural heritage sites, or sites with cultural significance or archaeological significance.

### 3. Strategic Context

14. The Te Tai o Poutini plan is a joint plan replacing all three District Plans for Buller, Grey, and Westland Districts on the West Coast. Various sites around the district will be rezoned as a result of the proposed TPP. The subject site is proposed to largely remain Rural Zoned with the northern portion of the site proposed by Te Tai o Poutini Plan Team to be rezoned Rural Lifestyle, however neighbouring properties will be rezoned Rural Residential Precinct and Rural Lifestyle.

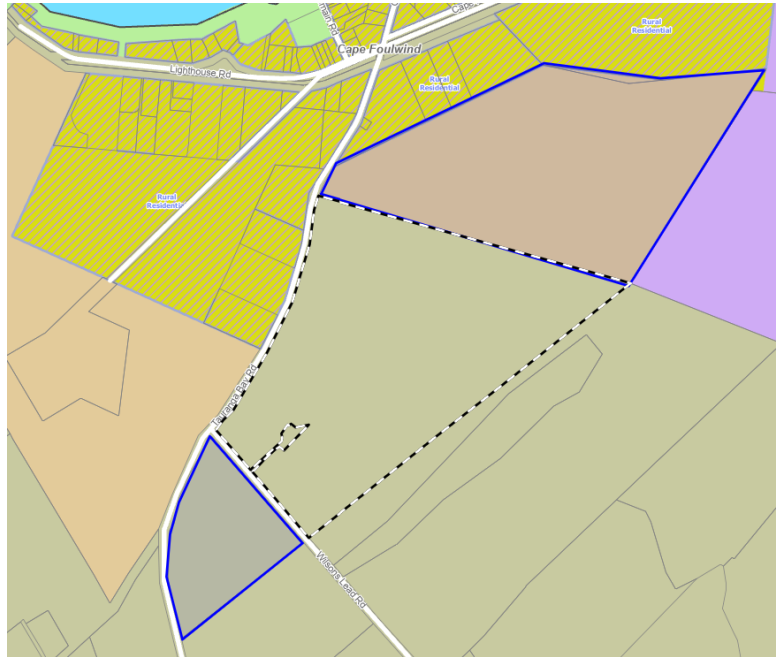


Figure 4: Proposed TPP Zoning of Site and surrounds

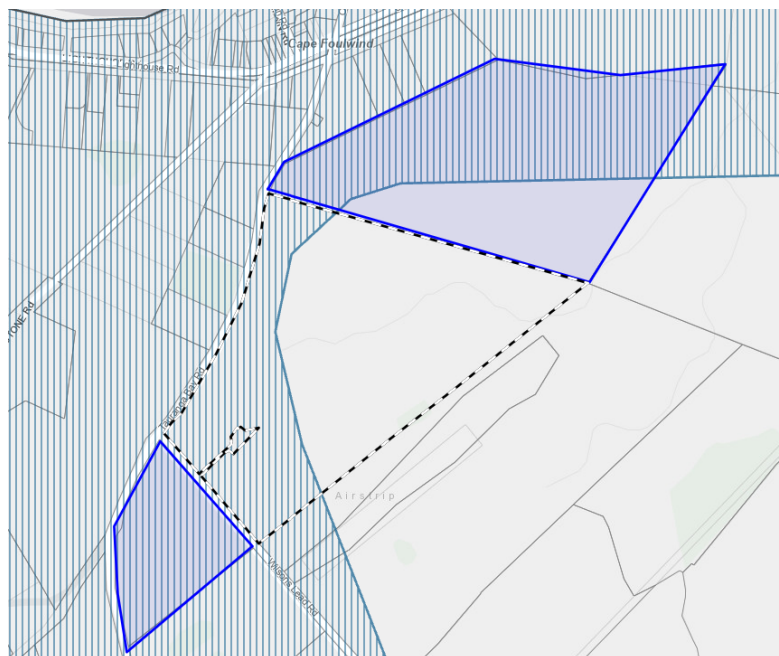


Figure 5: Proposed TPP Coastal Overlay

## 4. Proposed Rezoning

15. This submission requests that Council rezone the site from proposed General Rural Zone and Rural Lifestyle Zone to Rural Residential Precinct, Rural Lifestyle, and General Rural Zone as part of the Te Tai o Poutini. This submission will provide for additional supply in low density Rural Residential and Rural Lifestyle land within Buller District which will contribute to additional land available for those looking for an alternative housing choice to residential or rural properties.
16. The proposed re-zoning will provide for low-density Rural Lifestyle and Rural Residential housing in accordance with the Rural Lifestyle Zone and the Rural Residential Precinct Zone. The proposed Rural Lifestyle Zone provides for a minimum net site area of 1ha, while the proposed Rural Residential Zone provides for a minimum net site area of 4000m<sup>2</sup>.

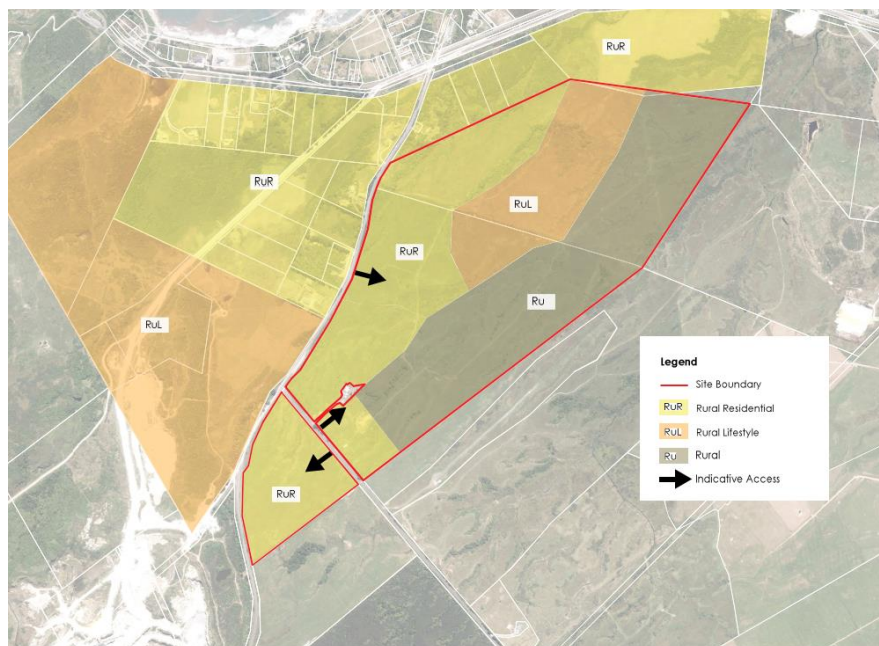


Figure 5: Proposed Zone change

17. The proposed re-zoning has considered future servicing for water, wastewater, telecommunications, electricity, and stormwater provisions by undertaking a preliminary engineering site design to confirm existing capacity and feasibility for servicing of the site. Telecommunications and electricity will be provided to existing adjacent networks. Further details are provided in the technical assessment report contained in Appendix C.
18. A schedule of the proposed amendments to the Proposed Plan is contained within Appendix A and are summarised and explained below:
  - Amend the planning maps to rezone the site from proposed Rural Zone to Rural Residential Precinct, Rural Lifestyle Zone with the balance of General Rural Zone.

## 5. Reasons and Purpose

19. The proposed Te Tai o Poutini Plan was notified 14<sup>th</sup> July 2022. The proposed plan is seeking to rezone land throughout the West Coast to align with existing and expected future use. The landowners have some of their land proposed to rezone to Rural Lifestyle Zone, while the remaining land is proposed to stay zoned rural (General Rural). The proposal is to amend the configuration of the proposed zonings so that the Rural Residential Precinct adjoins the identified proposed Rural Residential Precinct zoning, while the remaining land will be rezoned Rural

Lifestyle and General Rural Zone which will fully surround the Rural Residential Precinct zonings, meaning appropriate land zonings and uses will adjoin each other.

20. The purpose of this submission is to enable Rural Residential Precinct density to reconfigure Te Tai o Poutini Plan zoning to one of Rural Residential Precinct, Rural Lifestyle, and General Rural zone to create a better transition between the Rural Residential Precinct zoning, Rural Lifestyle Zoning, Rural Zoning and adjacent Industrial zoning near the site, in a way that takes account of landscape, servicing and topography considerations.
21. It is considered that this proposed rezoning will positively contribute to housing capacity for those who may have been displaced by natural hazards in the area (e.g., flooding in Westport township) and are wanting an alternative Rural Residential area to settle to. The proposal will provide additional options for housing in a hazard free suitable area.

## 6. Statutory Assessment

### 6.1. Resource Management Act 1991

22. The Resource Management Act (RMA) provides the legislative framework that defines the requirements for submissions to District Plan reviews. As this Submission proposes to include land for re-zoning it is appropriate to address these requirements as they relate to the site at Lot 1 DP 19769, Section 2 SO 14304, and Section SO 14304, Tauranga Bay Road, Westport.
23. Schedule 1 of the RMA provides the circumstances and requirements of preparation, change, and review of policy statements and plans. Clause 22 of Schedule 1 provides the requirements for changes to the District Plan.
24. Section 74 of the Act sets out the matters to be considered by territorial authorities in the decision making of changes to the District Plan.

*74 Matters to be considered by territorial authority*

*(1) A territorial authority must prepare and change its district plan in accordance with-*

- (a) Its functions under section 31; and*
- (b) The provisions on Part 2; and*
- (c) A direction given under section 25A(2); and*
- (d) Its obligation (if any) to prepare an evaluation report in accordance with section 32; and*
- (e) Its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and*
- (ea) a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and*
- (f) Any regulations.*

*(2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to -*

- (a) Any -*
  - (i) Proposed regional policy statement or*
  - (ii) Proposed regional plan of its region in regard to any matter of regional significant or for which the regional council has primary responsibility under Part 2; and*

- (b) Any –
- (i) Management plans and strategies prepared under other Acts and
  - (ii) [repealed]
  - (iia) relevant entry on the New Zealand Heritage List / Rarangi Korero required by the Heritage New Zealand Pouhere Taonga Act 2014; and
  - (iii) Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing); and
  - (iv) Relevant project area and project objectives (as those terms are defined in section 9 of the Urban Development Act 2020), if section 98 of that Act applies, - to the extent that their content has a bearing on resource management issues of the district; and
- (c) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

(2A) A territorial authority, when preparing or changing a district plan, 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.

(3) In preparing or change any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.

25. Section 31 of the RMA outlines the Council functions for giving effect to the Resource Management Act and the Submission has been prepared in accordance with the relevant requirements.
26. Section 32 establishes a procedure to evaluate the appropriateness of the proposed provisions, including objectives, policies, rules and other methods. A detailed Section 32 assessment is provided in Section 7 of this report.
27. This submission to request the rezoning of the site at Lot 1 DP 19769, Section 2 SO 14304, and Section SO 14304, Tauranga Bay Road, Westport from Rural Zone/ Rural Lifestyle Zone to Rural Residential Precinct, Rural Lifestyle Zone, and General Rural Zone addresses the relevant matters of the RMA, including;
- The purpose and reason for the request.
  - The requirement to have regard to the West Coast Regional Policy Statement.
  - Any management plans and strategies prepared under other Acts.
  - The requirement to take into account any relevant planning document recognised by Poutini Ngāi Tahu lodged with the Council.
  - Provisions of the proposed Te Tai o Poutini Plan.
  - Assessment of Environmental Effects (AEE).
28. The submission to rezone the site has been prepared in accordance with the relevant provisions of the Resource Management Act, as described above.



## 6.2. National Policy Statements

29. There are five National Policy Statements (NPS) which are currently operative. These are:

- (a) New Zealand Coastal Policy Statement
- (b) Electricity Transmission
- (c) Renewable Electricity Generation
- (d) Freshwater Management
- (e) Urban Development
- (f) Highly Productive Land

30. There is currently one proposed National Policy Statement (at the time of this submission). This is:

- (a) Indigenous Biodiversity

31. The relevant National Policy Statements are NZCPS, NPS Electricity Transmission, and Highly Productive land.

### New Zealand Coastal Policy Statement:

32. The proposal takes into account the coastal policy statement and is considered consistent with the objectives and policies. The proposed TPPP takes the NZCPS into account through the coastal overlay that enables Council to consider earthworks and buildings/structures for consent purposes and permitted activities to manage the effects that are listed within the NZCPS.

### Objective 1, 2, and 3

33. The proposal is part of the Cape Foulwind settlement that has been intended for rural residential use as proposed under the TPPP. The proposal also requests rezoning to rural residential purposes to consolidate the Cape Foulwind settlement and provide additional housing and living opportunities. The site is set back from the coast approximately 450m and is elevated from the coast with multiple properties between the subject site and the coast. This includes a local road. The site has previously had limited indigenous vegetation and the proposal will add to the existing vegetation further enhancing and maintaining the indigenous vegetation within the gullies of the site. This will be through preventing stock grazing in these gullies and through future planting as part of any future development of the site. The site has been used for grazing animals in the past and has already been modified for use as such (vegetation cleared).

34. The position orientation of the Site, as well as the proposed scale and locations of the three proposed zones are combined with partially screened accessways, vegetation, and building setbacks to roads will assist to integrate any future rural residential use of this development into the surrounding landscape. Nearby existing dwellings are provided with a relative quietness and connection with the natural environment, to enjoy features of the native regeneration and landform.

35. The site is not located in an area that has been identified as an area of cultural significance nor within the Pounamu Management Area, which relates to Pounamu resource and how it is managed and controls around this.

### Objective 4, 5, 6, and 7

36. The site does not have direct access nor adjoin the coast. Therefore, does not restrict public use of the coastal marine area. The coastal processes are less likely to affect the site due to the terrain and distance from the coast.

37. This rezoning proposal has considered the natural hazards within the technical report in Appendix C. The conclusion is that hazards for this site are unlikely.

38. The proposed rezoning does not impact negatively on social, economic or cultural wellbeing of people and communities, nor is it within the coastal marine area.

Policy 6, 13, 24, and 25

39. The site is set back from the coast, and it is likely future development of the site will have a low impact on visual amenity on the surrounding landscape due to neighbouring rezonings identified under the TTPP. The site is part of the existing Cape Foulwind settlement, and the proposal is to extend the settlement further will provide a proper settlement.
40. The hazard report has assessed the impact of various hazards including coastal. The site is free of coastal hazards due to the elevation of the site. The Technical report attached in Appendix C has considered the hazards for this site to be unlikely.

#### National Policy Statement on Highly Productive Land

41. The National Policy Statement on Highly Productive Land (NPS-HPL) was made effective 17 October 2022. The objective of the NPS-HPL is to protect highly productive land for land-based production now and in the future. The NPS-HPL achieves this purpose by restricting urban rezoning of highly productive land, avoiding the rezoning of highly productive land for lifestyle blocks, avoiding the subdivision of highly productive land, and protecting highly productive land from inappropriate use and development. More specifically, the NPS-HPL includes the following policies:

- Policy 1: Highly productive land is recognised as a resource with finite characteristics and long-term values for land-based primary production.
- Policy 2: The identification and management of highly productive land is undertaken in an integrated way that considers the interactions with freshwater management and urban development.
- Policy 3: Highly productive land is mapped and included in regional policy statements and district plans.
- Policy 4: The use of highly productive land for land-based primary production is prioritised and supported.
- Policy 5: The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement.
- Policy 6: The rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in this National Policy Statement.
- Policy 7: The subdivision of highly productive land is avoided, except as provided in this National Policy Statement.
- Policy 8: Highly productive land is protected from inappropriate use and development.
- Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land

42. Given the policies listed above, this submission has given specific regard to the NPS-HPL and the proposed plan change would result in urban expansion and the change of land-use in rural areas resulting in the loss of productive land.

43. Within the NPS-HPL, Policy 1 requires the recognition of highly productive land while Clause 3.4 directs Councils how to map highly productive land. Specifically, Clause 3.4 states:

*(1) Every regional council must map as highly productive land any land in its region that:*

*(a) Is in a general rural zone or rural production zone; and*

*(b) Is predominately LUC 1, 2, or 3 land; and*

(c) *Forms a large and geographically cohesive area.*

44. It is worth noting that Buller District Council is not a regional council, however, Clause 3.5(3) requires territorial authorities to identify highly productive land in its district using maps that are exactly equivalent to those in the relevant Regional Policy Statement.
45. Pursuant to Clause 3.4(1) stated above, the land has been identified as LUC class 6 (West Coast Maps & NZLRI). The land therefore does not meet the definition of highly productive land within the NPS-HPL.
46. As a result of the land being LUC 6 and not meeting the definition of highly productive land, the NPS-HPL ceases to apply to the site.
47. No further assessment or consideration of the NPS-HPL has been provided within this document.

#### National Policy Statement on Electricity Transmission

48. The NPS on Electricity Transmission has been taken into account in the District Plan, and the proposal will be consistent with the provisions in the proposed District Plan relating to electricity transmission.
49. The proposal is considered consistent with the objective and policies of the NPS because the proposed rezoning and any future development will not affect the supply of electricity or the use of the transmission lines, and any adverse environmental effects and any adverse effects from other activities on the network will be managed appropriately.

Policy 11 states that local authorities must consult with the operator of the National Grid. For this proposal, Transpower NZ are the operator of the national grid, and are likely to be involved throughout the proposed District Plan Review process.

#### National Policy for Urban Development

50. The National Policy Statement on Urban Development 2020 (NPS-UD 2020) applies to all local authorities that have all or part of an urban environment within their district or region. Urban areas are classified into tier 1, 2, and 3. West Coast Regional towns are all classified as Tier 3 and therefore are encouraged to apply parts 2 and 3 of the NPS-UD, adopting whatever modifications to the NPS are necessary or helpful to enable them to do so.
51. Some additional housing capacity in this area has been enabled, with the TTPP zoning proposal, however, there is no overarching District Strategy to guide urban development. The submission has had regard to NPS Urban Development. The NPS-UD is not applicable to the site as an urban area is defined in the NPS-UD as “urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: is, or is intended to be, predominantly urban in character; and is, or is intended to be, part of a housing and labour market of at least 10,000 people.” The site does not meet this definition and therefore NPS-UD is not applicable.
52. Therefore, as Cape Foulwind is considered a rural settlement, and the submission at Taranaki Bay Road and any future development of the site does not need to be considered under the NPS-UD.

#### Draft NPS Indigenous Biodiversity

53. At the time of this submission, the NPS for Indigenous Biodiversity was a draft. The proposed rezoning will retain and enhance the existing native biodiversity of the site in the gullies. While the proposal is for rezoning of the site to Rural Residential Precinct, Rural Lifestyle, and Rural Zones, the future development of this site will need to apply the NPS for Indigenous Biodiversity. The future

subdivision of the site will be able to better address the NPS for Indigenous Biodiversity more efficiently and effectively than if it remained Rural and Rural Lifestyle.

### 6.3. National Environmental Standards

54. The following National Environmental Standards (NES) are currently operative:

- (a) Air Quality
- (b) Sources of Drinking Water
- (c) Telecommunication Facilities
- (d) Electricity Transmission Activities
- (e) Assessing and Managing Contaminants in Soil to Protect Human Health
- (f) Plantation Forestry
- (g) Freshwater
- (h) Marine Aquaculture
- (i) Storing Tyres Outdoors

55. The NES for Assessing and Managing Contaminants is considered relevant to this submission.

#### National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

56. The National Environmental Standards for Assessing and Managing Contaminants in Soil to protect Human Health, is considered applicable to this submission. A PSI has been undertaken and attached in Appendix D and assessed in the Assessment of Environmental Effects in Section 8 of this report. The PSI concluded that it was highly unlikely that there were any HAIL activities undertaken on the site. It is considered highly unlikely that there will be risk to human health following the proposed change of use from Rural Zone to Rural Residential, Rural Lifestyle and Rural Zonings.

### 6.4. West Coast Regional Policy Statement

57. The Regional Policy Statement sets out objectives, policies and methods to resolve resource management issues in the West Coast an assessment of the WCRPS full provisions is provided in Appendix F and a summary provided below. Chapter 4 (resilient and sustainable communities) and Chapter 5 (use and development of resources) is considered the most relevant to this submission.

58. The proposal is considered to contribute to enabling people and communities for their social, economic, and cultural well-being by rezoning land and providing more opportunities for different living options to nearby Westport. The proposed rezoning of the subject site is not considered to create any reverse sensitivity effects in relation to industrial or primary production on neighbouring land, it will not impact mineral extraction as it does not have minerals on site and is not a land that has significant tourism infrastructure or regionally significant infrastructure. The proposal is considered consistent with the objectives and policies of chapter 4- resilient and sustainable communities.

59. The proposal is considered in keeping with the objectives and policies of chapter 4- resilient and sustainable communities. The proposal will enable development opportunity to help provide different rural living options for Cape Foulwind and Buller District which will enable new development to the proposed rezoning of Cape Foulwind located in close proximity to Westport. The site forming this proposal is within an existing settlement that will provide future rural residential development that will provide an alternative of housing/rural living choice.

60. The proposal is considered in keeping with the objectives and policies of chapter 5- use and development of resources. The proposal will change the zoning to better reflect compatible use and development and also to minimise conflict through the three zones proposed. This zoning proposed will mean future development of the site will be able to avoid and mitigate reverse sensitivity effects with neighbouring allotments.

## 6.5. Proposed Te Tai o Poutini Plan

61. The proposed Te Tai o Poutini Plan (TTPP) was publicly notified for consultation in July 2022. The three zones proposed for the site are considered by TTPP to be Rural zones and therefore the Rural Objectives and Policies in the TTPP are considered relevant and have been assessed in Appendix G of this submission. It is noted that some rules have immediate legal effect pursuant to section 83B(3) of the RMA, there are no rules that have immediate legal effect that relate to this submission. A summary of the relevant Objectives and Policies is provided below.
62. The proposal is considered consistent with objectives RURZ-O1 to RURZ-O6 and policies RURZ-P1 to RURZ-P16.
63. The proposal will provide for future development through the rezoning proposal creating Rural Residential Precinct, Rural Lifestyle, and Rural Zones. The proposed zoning provides a buffer to the adjoining Industrial and Rural Zones. The proposal supports the expansion of the existing settlement with the subject site being at low risk of natural hazards making the subject site suitable for future development. Future development of the site will require onsite servicing as there are no Council reticulated services of water, wastewater, or stormwater for the site or for the Cape Foulwind settlement. The site is perfectly placed and suited to achieving P2 by consolidating the Cape Foulwind settlement without dominating the landscape in a manner that is respectful of adjacent/industrial uses. The site does not have any identified cultural overlays and will not impact on Poutini Ngai Tahu's cultural values, traditions, interest and ancestral lands. The subject site is not visible from the coast.
64. The proposal is considered consistent with SETZ-PREC4-P16 as the proposed plan change intends for this outcome for future development and therefore meets this policy.
65. The proposal is considered consistent with objectives CE-O1 to O3 and policies CE-P1 to CE-P8. The site, while in the Coastal Environment Overlay however can be developed in a manner that is consistent with relevant objectives and policies.
66. The site has already been modified for past uses. The site does not have a natural character overlay or landscape area. The proposal is to maintain low density rural residential living with areas of open space in the parts of the site not suitable for development. The site is not within any identified significant indigenous biodiversity and significant natural areas, outstanding natural landscapes, outstanding natural features, high coastal natural character, and outstanding coastal character.

## 7. Section 32AA Assessment

67. The Section 32 evaluation requires the submitter (and the Council) to evaluate, at a level of detail corresponding to the scale and significance of the anticipated environmental, economic, social and cultural effects of the rezoning.
- The extent to which the Objectives of the proposal are the most appropriate to achieve the purpose of the RMA.

- Whether the provisions (rules) are the most appropriate way for achieving the Objective (purpose), by including consideration of any other reasonably practicable options, the efficiency and effectiveness of the provisions in achieving the purpose, and reasons for deciding on the provisions.
68. This submission is not proposing any new Objectives, Policies, or rules to be added to the TTPP; therefore, the objective of the proposal is considered to be the purpose of the rezoning. The purpose of the proposal is to reconfigure the proposed zonings at Lot 1 DP 19769, Section 2 SO 14304, and Section SO 14304, Tauranga Bay Road, Westport from the Rural Lifestyle and Rural Zone to Rural Residential Precinct, Rural Lifestyle Zones, and General Rural Zones.
69. Two options have been assessed below; retain the current proposed split zoning or rezone to Rural Residential Precinct, Rural Lifestyle and General Rural on appropriate developable areas of the subject site.

## 7.1. Option 1: Retain TTP Proposed Rural Zone and Rural Lifestyle

	Benefit	Cost
Environmental	<ul style="list-style-type: none"> <li>▪ Maintains the rural character of the site.</li> <li>▪ Retains limited rural productive use.</li> <li>▪ Provides for some limited expansion that is cohesive with existing settlement</li> </ul>	<ul style="list-style-type: none"> <li>▪ A missed opportunity for providing additional alternative option for rural residential living to communities.</li> <li>▪ Does not recognise topography constraints or landform as is based on parcel boundary only.</li> <li>▪ Does not provide for expansion of the Rural Residential Precinct to cater for further expansion outside of hazard prone areas.</li> </ul>
Economic	<ul style="list-style-type: none"> <li>▪ No cost to the owner or Council to retain the existing proposed zoning</li> <li>▪ Provides some limited opportunity for Rural Living development.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No additional development contributions or increased rateable income for the Council.</li> <li>▪ Does not consider if Rural Living is economically feasible (may not be physically achievable in Rural Living in comparison to the proposed three zonings)</li> </ul>
Social	<ul style="list-style-type: none"> <li>▪ No social benefit recognised.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Would impact on the landowners' individual land use of the site by largely retaining the bulk of the site to remain rural, while the areas that are Rural Living Zone may not actually be developmentally feasible due to site topography.</li> </ul>
Cultural	<ul style="list-style-type: none"> <li>▪ There will be some changes to the overall site from the Rural Living Zoning that will have limited impact on current outlook and amenity.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provides certainty for communities as to the future level of change or development they can expect.</li> </ul>

70. Option 1, retaining the land as proposed General Rural Zone and Rural Lifestyle Zone, i.e. do nothing, has slightly greater costs than benefits. The benefit of this option is that there will be some limited site for development.

71. The costs of doing nothing and retaining the proposed General Rural zoning means that there will be no further rural residential capacity provided on this site, and therefore would not benefit the wider Buller District for housing choice in a safe hazard free space. This would be a missed opportunity to provide an alternative Rural Residential and Rural Lifestyle to provide additional choice for housing.

72. Quote from page 7 of Te Tai o Poutini Section 32-Strategic Directions: “become very evident that there is a significant need for additional land to support both housing and industrial development, and that many aspects of the NPSUD are relevant in application on the West Coast/Tai o Poutini.”
73. The benefits of retaining Option 1 can still be used to effectively manage and achieve sensitive design when implementing Option 2. The costs outweigh the benefits, and Option 1 is the least preferred option.

## 7.2. Option 2: Rezone to Rural Residential and Rural Lifestyle

	Benefit	Cost
Environmental	<ul style="list-style-type: none"> <li>▪ Native vegetation and restoration.</li> <li>▪ Buffer provided to adjacent rural and industrial uses.</li> <li>▪ Proposes additional living and housing opportunities in close proximity to Westport.</li> <li>▪ Still maintains Low Density development of the range of zonings.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Loss of rural land.</li> <li>▪ Loss of rural outlook/character.</li> <li>▪ Increase in discharges.</li> <li>▪ Increase in housing in wider coastal environment</li> </ul>
Economic	<ul style="list-style-type: none"> <li>▪ Provides variation of housing opportunities.</li> <li>▪ Provides income through development contributions and additional rateable sections for Council.</li> <li>▪ Short-term employment opportunities during construction.</li> <li>▪ Maintains some level of rural production on the General Rural Zone mainly for grazing animals.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Loss of land for productive use on the areas identified as Rural Residential Precinct and Rural Living zones.</li> </ul>
Social	<ul style="list-style-type: none"> <li>▪ Appropriate zoning applied for areas of the site to allow for transition to the industrial and rural land uses and due to development likelihood.</li> <li>▪ Provides additional capacity to expand the Cape Foulwind settlement.</li> <li>▪ Connections to Westport township.</li> <li>▪ Providing alternative living options in a hazard free location.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Additional traffic on road due to commuter traffic.</li> <li>▪ Change of character of the Cape Foulwind settlement.</li> </ul>
Cultural	<ul style="list-style-type: none"> <li>▪ All on site servicing will be appropriately managed to prevent any contamination of water.</li> <li>▪ There are no sites of significance, and the site is not located within a Pounamu Management Area.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No costs have been identified as everything can be treated and managed effectively. Effects of which are considered less than minor.</li> </ul>

74. Option 2 is the preferred option as identified in this submission: Rezoning the site to proposed Rural Residential Precinct, Rural Lifestyle, and General Rural Zone. This will contribute positively to alternative rural residential and rural lifestyle zoning outside of more hazard prone areas.



75. The rural character of the existing site will change to a predominantly Rural Residential Precinct character; however, the development design can be sensitive to the natural environment of Cape Foulwind by maintaining the sense of open space and rural outlook with lower density residential and connections with Westport.
76. The proposed rezoning to Rural Residential Precinct, Rural Lifestyle, with the balance of the land zoned General Rural best meets the objectives and policies of the Rural Zone chapter. The benefits of rezoning the site to proposed Rural Residential and Rural Lifestyle are greater than the costs, and therefore Option 2 has been determined as the most appropriate option.

### 7.3. Efficiency

77. Option 2, rezoning the site to proposed Rural Residential and Rural Lifestyle Zone has been assessed as the most efficient use of the land and is the most appropriate option when costs and benefits of both options are compared. The benefits of Option 2 outweigh the costs meaning that it is the most efficient option, and therefore the most suitable use of land.

### 7.4. Effectiveness

78. Option 2 has been assessed above as the most efficient option; however, it is also assessed as the most effective option providing additional rural residential and rural lifestyle land in a hazard free area.
79. The proposed rezoning is consistent with Chapter 4 and 5 of the Regional West Coast Policy Statement as it provides sustainable development that is resilient to enable people to provide for their social, economic, and cultural well-being and health and safety now and in the future.
80. As demonstrated in Section 6.5 of this report, the proposed rezoning to Rural Residential and Rural Lifestyle Zone is consistent with and meets all the relevant proposed objectives and policies relating to rural zone.
81. Council's Section 32 assessment states that the proposed plan "Specific growth areas for both lifestyle and urban development need to be identified and protected to ensure the long-term protection of the rural environment for rural activities." The assessment states that rural lifestyle needs to be provided in defined locations to prevent the loss of rural amenity and character, prevent reverse sensitivity effects and to prevent further fragmentation of rural land. The proposal to rezone the site and have three zonings over it, relates to expanding the proposed rural lifestyle and rural residential onto site, with the rural residential zone proposed to front Taranaki Drive with the rural lifestyle zoning behind and rural zone adjoining to the east of the site. The proposed zoning also relates to appropriate zoning for areas of the site that would support the proposed densities.

### 7.5. Risk of Acting or not Acting

82. This submission to the proposed Te Tai o Poutini Plan has provided technical reports to confirm suitability of the site for the proposed rezoning. The information has been provided in as much detail as reasonably possible, however specific details such as final engineering and servicing design are not yet known. This poses a small risk of acting. However, any risks will be addressed and appropriately dealt with at subdivision consent, detailed engineering design and engineering approval stage.
83. There is also a risk of not acting, as detailed in Option 1 costs, that there a number of natural hazards affecting the towns and settlements within Buller and that Westport in particular will need to relocate (managed retreat) due to hazards to an area of much lower hazard risk. The area

has been identified and rezoned Residential under the Te Tai o Poutini Plan in the Alma Road Terrace. This will have an impact on existing rural areas and would require some alternative rural residential and rural lifestyle development elsewhere in a low hazard area and a risk of not acting will increase demand for additional land to provide alternative living options for people looking to retreat to areas with low hazard risk.

## 8. Assessment of Actual and Potential Effects on the Environment

84. The assessment of actual and potential effects on the environment (AEE) has been prepared in accordance with the Fourth Schedule of the RMA. The First Schedule, clause 22(2) of the RMA requires *'Where environmental effects are anticipated, the request shall describe those effects, taking into account the provisions of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan'*.

85. The following actual and potential effects have been considered as part of the Submission to rezone the site at Lot 1 DP 19769, Section 2 SO 14304, and Section SO 14304, Tauranga Bay Road, Westport from Rural and Rural Lifestyle Zones to Rural Residential Precinct to Rural Lifestyle Zones Effects on:

- Rural Form and Landscape Amenity
- Transport
- Infrastructure and Servicing
- Natural Hazards
- Health of Land
- Tangata Whenua and Cultural
- Reverse Sensitivity
- Positive Effects

### 8.1. Effects on Rural Form and Landscape Amenity

86. The proposed Rural Residential Precinct, Rural Lifestyle, and General Rural Zone has the potential to alter the existing settlement character of Cape Foulwind. The effects of the change to the landscape amenity have been discussed below and further detailed in the Landscape Assessment attached in Appendix E.

87. The proposed development of the site would align with the proposed Rural Residential Precinct and proposed Rural Lifestyle Zones. Furthermore, the proposed zoning will align with the General Rural Zone and the neighbouring Light Industrial Zone as the proposed rezoning of the site will retain a portion of General Rural and the larger Rural Lifestyle land will create low density minimising any potential for reverse sensitivity between the subject site and neighbouring sites.

88. The existing character of the site is rural in nature surrounded with pockets of smaller allotments with established dwellings. These established dwellings are commonly hidden from view from public spaces due to the terrain and vegetation. It is likely that the site and any future development will also be limited to views from public areas. The identification of parts of the site that are not suitable for development will further continue to promote the existing rural nature of the land. Landscape assessment report (Appendix E) has been provided in support of this rezoning proposal and has assessed the overall future development to be low on visual amenity.

This will be achieved through retention of native vegetation and enhancement of the native vegetation within the gully network to soften future development.

89. The TTPP has a proposed rule that all buildings are setback from the road boundary by 10m. The landscape report has assessed the site and applied the 10m setback with proposed future landscaping. This proposed planting within in this 10m setback will mitigate future visual effects of the development. If the site is developed in the future this landscaping within the 10m setback will tie in with the existing vegetation in the gullies that is proposed to be retained and enhanced. The landscaping proposal is to tie into the existing landscape seen from neighbouring residential properties that have are setback from the road with landscaping within this setback.
90. The zone rules do not include a landscape buffer within the setback requirements and there is not anywhere else within the proposed TTPP that require landscaping and in particular, are not included in the local Cape Foulwind area.
91. Given the open space and landscaping opportunities, it is considered that the site could be included in the TTPP as a "Development Area" to be able to include the landscape strategy plan should council consider it appropriate, similar to that proposed for Kumara Junction (an existing situation). We would anticipate working with council in advance of the hearing process, or alternatively through the evidence and the hearing process, to include a site-specific rule if an Outline Development Plan and Development Area are considered by Council's future s.42A reporting to be required.
92. The site will have boundaries with rural and industrial zoned land, the proposal to rezone the site will mean that denser rural residential lifestyle fronting Tauranga Bay Road, while the rural and industrial interfaces will be zoned rural lifestyle and rural zone. This will mitigate and minimise adverse effects that may arise from reverse sensitivity from existing neighbouring land uses.
93. Future development (including for subdivision construction) is likely to require earthworks and servicing and will ultimately provide for additional housing in the parts of the site that are closest to Tauranga Bay Road and is in the coastal environment overlay. TTPP proposes rules that permit a specific building size (200m<sup>2</sup> ground floor area) and to manage associated earthworks in this environment. This provides for consideration of a scale of activity in the coastal overlay to be considered on a case-by-case basis.
94. In conclusion, the proposed rezoning will not adversely affect the coastal environment or indigenous biodiversity. The rezoning will maintain the character and amenity of rural areas with the proposal in keeping with the low-density outcomes for this settlement. Visual amenity can be appropriately mitigated. Therefore, the potential adverse effects of the proposed rezoning and residential development will be less than minor.

## 8.2. Effects on Transport

95. There is currently access to the sites from local roads of Wilsons Lead Road and Tauranga Bay Road. There is a location approximately 30m south of the existing access on Tauranga Bay Road to Lot 1 DP 19769 where sight distance of more than 300m can be achieved in both directions. The existing site accesses either side of Wilsons Lead Road also have good sight distances, see attached Technical Report in Appendix C showing sight from existing or proposed accesses.
96. It is expected that any future accesses to the site will be designed and built to meet the required access standards dependent on the number of allotments serviced.

### 8.3. Effects on Infrastructure and Servicing

There is no Council reticulated servicing to the site of wastewater, stormwater, and water. Three waters will be required to be managed and collected on site

97. Water Supply

98. Rainwater tanks will be required on site for firefighting and potable water.

99. Stormwater

100. Stormwater will need to be carefully managed due to the iron pan on site. The majority of stormwater can be managed through the existing drains and gullies on site. Overflow from rainwater tanks will need to be managed, so that no erosion or ponding is caused. This will require stormwater soak pits below the iron pan level.

101. Wastewater

102. This will be best managed by secondary wastewater treatment systems and discharged via dripper lines. Size and design of these systems will be known when the sites are developed. It is likely they will be able to comply with Rule 79 of the West Coast Regional Land and Water Plan. The operative district plan and draft TPP have minimum areas for non-sewered sites of 1500m<sup>2</sup> and 1000m<sup>2</sup>). Future lots are expected above these minimum site sizes.

Telecommunications

103. There is Chorus telecommunications running underground along both Tauranga Bay Road and Wilsons Lead Road. Due to the rural – residential nature of the site future subdivisions would possibly look at facilitating telecommunications via cellular coverage and satellite internet/phone reducing the need for terrestrial connections. There is a large selection of providers for both cellular phone coverage and wireless broadband. See Figures 11 and 12 below for Spark and Vodafone coverage in the area.

Power

It has been confirmed with Buller Network that there is an 11kv line running in front of and adjacent to the sites that has sufficient supply for future rural residential subdivision.

### 8.4. Effects on Natural Hazards

104. Technical report attached as Appendix C of this report assessed the risk of natural hazards on the site. We have considered the risk of subsidence, falling debris, erosion, tsunamis, land slippage, sedimentation, wind, drought, fire, geothermal activity, climate change, sea level rise, and volcanic activity and conclude these are very unlikely to pose an unacceptable risk to life at this site.

105. The site is classified in the West Coast Regional Liquefaction Assessment<sup>1</sup> as being in an area where liquefaction damage is unlikely.

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<sup>1</sup> Beca Limited. West Coast Regional Liquefaction Assessment, 1 November 2021

106. There are no recorded active fault traces across the site. The site is not located within a fault hazard area or fault avoidance zone. The closest active fault is the Lower Buller Fault, which lies approximately 13.5km south-east of the site.

#### 8.5. Effects on Health of Land

107. A preliminary site investigation (PSI) has been prepared by Eliot Sinclair, attached in Appendix D. This report concluded that no HAIL activities were identified on site, and it would be highly unlikely that future development and use of the site would risk human health.

#### 8.6. Effects on Tangata Whenua and Cultural

108. The site is not identified in an area of sites of significance to Māori, Aotea Management Area, Pounamu Management area or statutory acknowledgement areas as specified in the proposed Te Tai o Poutini Plan.
109. The proposal is not within these areas and the relevant iwi management plans including the related sections of the TTPP (Te Tai o Poutini Plan). The proposed rezoning and future development that this submission will enable is unlikely to have any adverse effects on tangata whenua and cultural effects.
110. Overall, this submission for the rezoning and proposed TTPP will have a less than minor adverse cultural effects.

#### 8.7. Effects on Reverse Sensitivity

111. The potential for reverse sensitivity effects occurs when a change in land use is incompatible with, and causes new conflicts with, existing activities nearby. Typical reverse sensitivity effects are typically noise, odour, and dust. The proposal is a change in zoning that remains rural in nature. The denser Rural Residential Precinct is located along Tauranga Bay Road that mirrors the Rural Residential Precinct adjacent. The General Rural zone provides a buffer between the Rural Residential Precinct Zones and Rural Lifestyle Zones with the General Rural and Industrial Zoned land. The proposal still allows a buffer between these zonings and therefore the reverse sensitivity of the proposed activities on the existing activities is considered less than nil.

#### 8.8. Positive Effects

112. The proposal will provide for additional area for rural residential and rural lifestyle living in close proximity to Cape Foulwind community, Carters beach centre, and Westport. The proposal will also open up land for availability as an alternative to other hazard prone areas.

## 9. Part 2 of the Resource Management Act 1991

113. Section 74 of the Act requires the Plan Change Request to be assessed under the provisions of Part 2 of the Act. Part 2 sets out the purpose and principles of the Act.
114. Section 5 of the RMA outlines that the purpose of the RMA is the promotion of sustainable management of natural and physical resources. Sustainable management is defined as the management of:

*(2) [...] the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –*

*(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

*(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

*(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

115. The proposed rezoning will provide for people and communities social, economic and cultural wellbeing by providing different living opportunities that is within an area of low hazard risk. The site has been assessed as appropriate for rural residential precinct, rural lifestyle and rural zones in appropriate locations within the property. The proposal supports the sustainable management of natural and physical resources by zoning the property in order to achieve the intended densities of the zonings. It is considered that any adverse effects can be avoided, remedied or mitigated therefore resulting in less than minor adverse effects on the environment.
116. Section 6 identifies matters of national importance to be recognised and provided for. It is considered that none of these matters are relevant to the proposed rezoning.
117. Section 7 relates to 'other matters' which persons must have particular regard to. This submission for rezoning has given particular regard to this submission for rezoning has given particular regard to (a) Kaitiakitanga, (b) the efficient use and development of natural and physical resources, (c) the maintenance and enhancement of amenity values and (f) maintenance and enhancement of the quality of the environment. The submission to rezone the site has had regard to these matters through the consolidation and connectedness through future development, the creation of well-designed and high amenity living environments is consistent with the matters in Section 7.
118. Section 8 requires persons to take into account the principles of the Treaty of Waitangi. It is considered that the site is not within a Pounamu Management Area or in an area of significance.
119. Overall, the submission to rezone the site is considered to achieve the principle and purpose of Part 2 of the RMA.

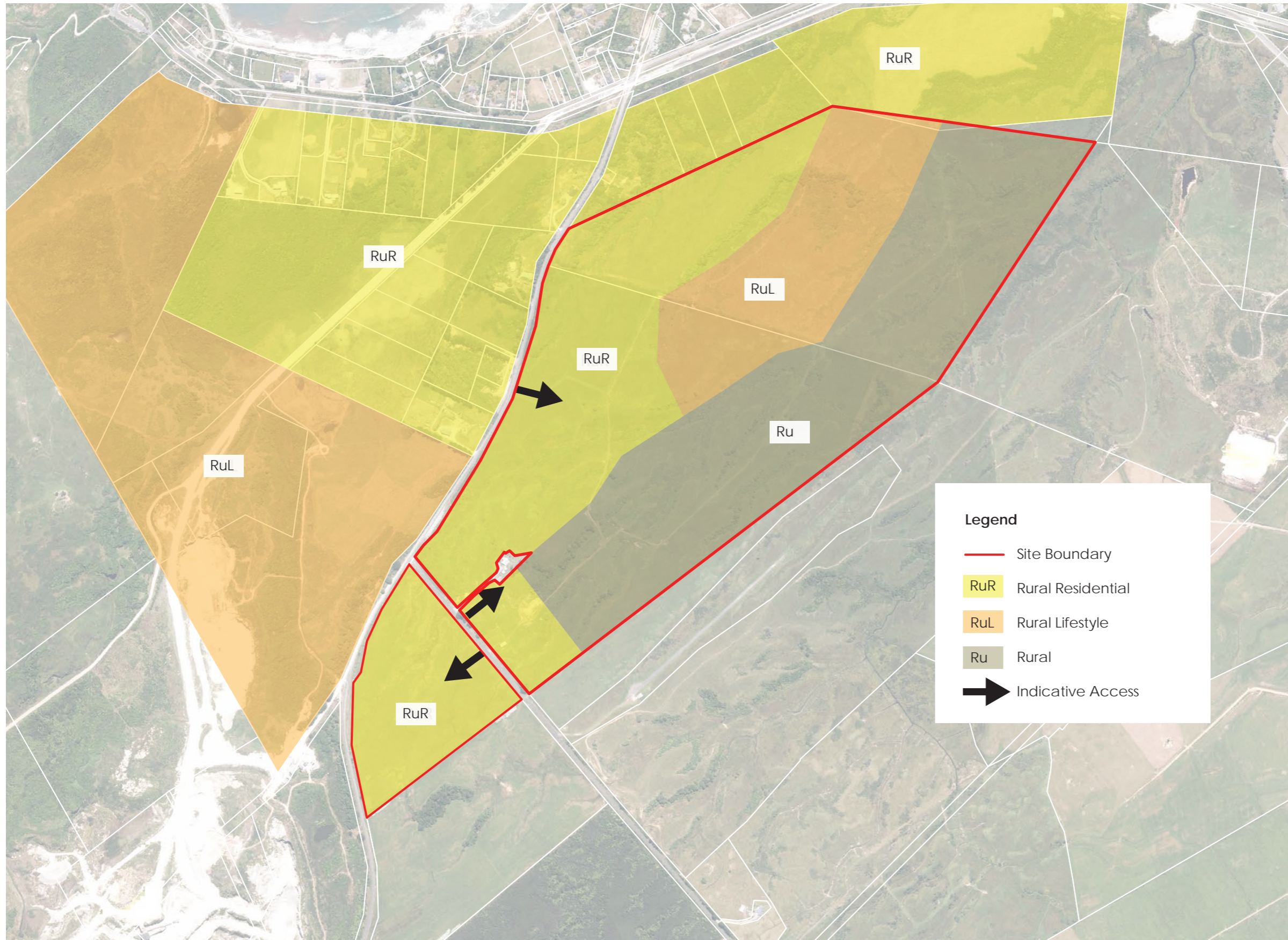
## 10. Conclusion

120. Tauranga Bay Holdings Ltd the submitter is making a submission on the proposed Te Tai o Poutini Plan.
121. The purpose of this submission is to rezone General Rural zoned land to Rural Residential Precinct, Rural Lifestyle, and General Rural Zones. The purpose of the proposed rezoning is aligned better with the other proposed rezonings to provide a better buffer between existing proposed Rural Residential Precinct, Rural Lifestyle Zones and General Rural and Industrial Zones. This proposal aligns with the objectives and policies of the proposed Te Tai o Poutini Plan.
122. No changes are proposed to the Objectives, Policies and Rules of the Proposed Te Tai o Poutini Plan. A rezoning of this site has been proposed.
123. The Section 32 assessment in Section 7 of this report demonstrates that rezoning the land to Rural Residential Precinct, Rural Lifestyle, and General Rural Zones is the most effective and efficient option for this site when considering the costs and benefits of the other options.
124. The assessment of environmental effects in Section 8 of this report identifies that adverse effects from the proposed rezoning and future development can be mitigated through design at the time of subdivision consent and engineering approval to be less than minor. The assessment also identifies that there are positive effects that would result from the proposal.

125. An assessment of the relevant National Policy Statements, WCRPS, proposed District Plan and other statutory and non-statutory documents has been undertaken in accordance with Section 74 of the RMA which demonstrates that the proposal gives effect to all provisions. The proposal provides for a logical and integrated zoning that takes into account the proposed zonings of the surrounding adjacent land that enables another living option for people that has a low hazard risk. The proposal is an efficient and effective use of the land that can positively to the amenity and character of Cape Foulwind, and consistent with Part 2 of the RMA in providing for sustainable use of resources for future generations.
126. In conclusion, for the reasons detailed throughout this report, the relief sought is to zone subject site to Rural Residential Precinct, Rural Lifestyle, and General Rural Zones at Tauranga Bay Road, Cape Foulwind. Relief is sought to also amend the planning maps to include the area as a development area.

## Appendix A. Rezoning Plan





**Zone Plan**

Client Tauranga Bay Holdings Ltd  
 Location Tauranga Bay Road  
 Project 510783

## Appendix B. Record of Title



**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD**



**Guaranteed Search Copy issued under Section 60 of the Land  
Transfer Act 2017**

  
R. W. Muir  
Registrar-General  
of Land

**Identifier** 747162  
**Land Registration District** Nelson  
**Date Issued** 10 November 2020

**Prior References**  
509533

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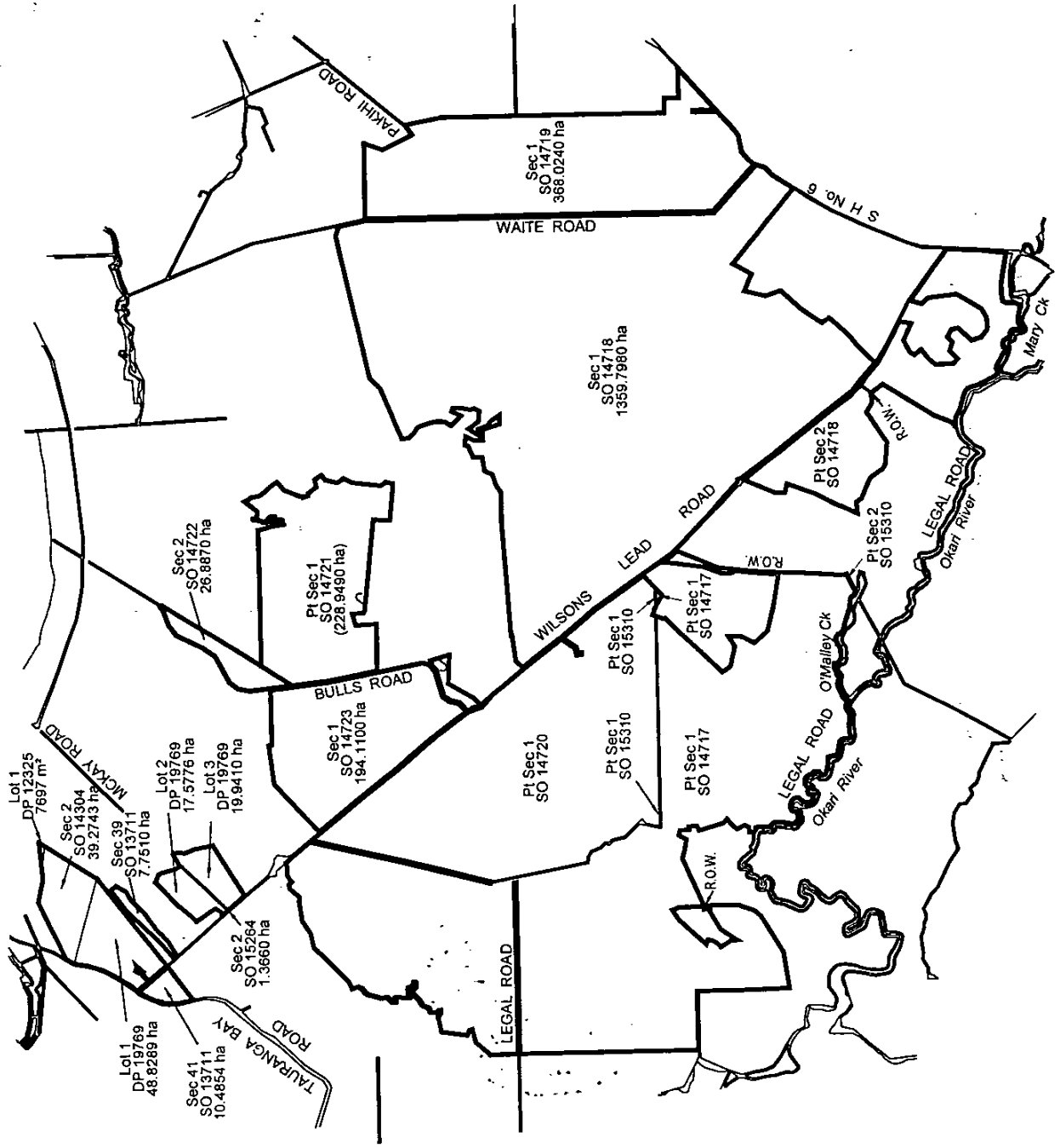
**Estate** Fee Simple  
**Area** 107.1093 hectares more or less  
**Legal Description** Lot 1 Deposited Plan 19769 and Section 39  
Survey Office Plan 13711 and Section 2  
Survey Office Plan 14304 and Lot 1  
Deposited Plan 12325 and Section 41  
Survey Office Plan 13711

**Registered Owners**  
Tauranga Bay Holdings Limited

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**Interests**

Subject to Part IV A Conservation Act 1987  
Subject to Section 11 Crown Minerals Act 1991  
Subject to a right to convey electric power over part Section 39 SO 13711 marked A on SO 13711 contained in Deed of grant 9B/75  
Appurtenant to Lot 1 DP 19769 herein is a right of way specified in Easement Certificate 324674.5 - 11.2.1993 at 9:06 am  
The easement specified in Easement Certificate 324674.5 is Subject to Section 243(a) Resource Management Act 1991  
Subject to Section 241(2) Resource Management Act 1991 (affects DP 500850)  
12352151.3 Mortgage to ASB Bank Limited - 15.2.2022 at 12:47 pm



## Appendix C. Technical Report

## Appendix D. Preliminary Site Investigation

## Appendix E. Landscape Assessment Report

# Appendix F. West Coast Regional Policy Statement



## The West Coast Regional Council - Regional Policy Statement Assessment

The West Coast Regional Policy Statement sets out objectives, policies and methods to resolve resource management issues in the West Coast. Chapter 4 (Resilient and Sustainable Communities), Chapter 5 (Use and Development) are most relevant to this Submission.

Reference	Objective and Policies	Assessment of re-zoning
Chapter 4 - Resilient and Sustainable Communities		
Objective 1	To enable sustainable and resilient communities on the West Coast.	The proposal will enable development opportunity to help provide different rural living options for Cape Foulwind and the Buller District.
Objective 2	This region's planning framework enables existing and new economic use, development and employment opportunities while ensuring sustainable environmental outcomes are achieved.	The proposal will enable new development in addition to the proposed rezoning of the Cape Foulwind settlement that is in close proximity to Westport.
Objective 3	To ensure that the West Coast has physical environments that effectively integrate subdivision, use and development with the natural environment, and which have a sense of place, identity and a range of lifestyle and employment options.	The proposal is an extension of the existing settlement, and the proposal will enable future subdivision to be integrated into the natural environment.
Objective 4	The significant values of historic heritage are appropriately managed to contribute to the economic, social and cultural wellbeing of the West Coast.	The site does not have any identified historic heritage on site.
Objective 5	To recognise and provide for the relationships of Poutini Ngāi Tahu with cultural landscapes.	The site is not within any cultural landscapes. The site is not within the Pounamu Iwi Management Area.
Policy 1	To sustainably manage the West Coast's natural and physical resources in a way that enables a range of existing and new economic activities to occur, including activities likely to provide substantial employment that benefits the long term sustainability of the region's communities.	The proposal will provide additional rural residential land that is in an area that is in close proximity to Westport and provides an alternative housing/rural living choice in an area free of hazards.
Policy 2	Regional and district plans must: <ul style="list-style-type: none"> <li>a) Contain regulation that is the most effective and efficient way of achieving resource management objective(s), taking into account the costs, benefits and risks;</li> </ul>	The proposal meets this policy as it is requesting a rezoning under the proposed TTPP, adopting the rules already within the Te Tai o Poutini Plan to the zones.

- b) Be as consistent as possible;
- c) Be as simple as possible;
- d) Use or support good management practices;
- e) Minimise compliance costs where possible;
- f) Enable subdivision, use and development that gives effect to relevant national and regional policy direction; and
- g) Focus on effects and, where suitable, use performance standards.

Policy 3	To consider the transfer and delegation of regional and district council functions (as provided by sections 33 and 34 of the RMA) where it would result in increased efficiencies and/or effectiveness in achieving resource management objectives, using shared services principles.	The proposal does not change this.
Policy 4	<p>To promote:</p> <ul style="list-style-type: none"> <li>a) The sustainable management of urban areas and small settlements, along with the maintenance and enhancement of amenity values in these places; and</li> <li>b) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers where it contributes to the economic, social and cultural wellbeing of people and communities.</li> </ul>	The proposal will allow development that will enhance the existing Cape Foulwind settlement.
Policy 5	<p>Promote the sustainable management of historic heritage, through:</p> <ul style="list-style-type: none"> <li>a) Identification of significant values associated with historic heritage;</li> <li>b) Ensuring that subdivision, use and development does not detract from the significant values of historic heritage; and</li> <li>c) Encouraging the adaptive reuse of historic heritage where appropriate and practicable.</li> </ul>	There is no historic heritage on site.
Policy 6	Cultural landscapes are appropriately identified, and effects of activities are managed in a way that provides for the cultural relationships of Poutini Ngāi Tahu.	The proposal does not change this.

## Chapter 5 - Use and Development of Resources

Objective 1	To recognise the role of resource use and development on the West Coast and its contribution to enabling people and communities to provide for their social, economic and cultural wellbeing.	This chapter sets out the use and development of the regions resources by recognising the role of resource use and development as well as managing conflicts arising from use, development, and protection of natural and physical resources. The proposal is not creating any conflicts or incompatible use though the proposed zoning.
Objective 2	Incompatible use and development of natural and physical resources are managed to avoid or minimise conflict.	The proposal will change the zoning to better reflect compatible use and development and also to minimise conflict through the three zones proposed.
Policy 1	Enabling sustainable resource use and development on the West Coast to contribute to the economic, social and cultural wellbeing of the region's people and communities.	The proposal will contribute to the social and cultural wellbeing of the Buller District by providing land zoned for rural living.
Policy 2	<p>To recognise that natural and physical resources important for the West Coast's economy need to be protected from significant negative impacts of new subdivision, use and development by:</p> <ul style="list-style-type: none"> <li>a) Avoiding, remedying or mitigating reverse sensitivity effects arising from new activities located near existing: <ul style="list-style-type: none"> <li>i) Primary production activities;</li> <li>ii) Industrial and commercial activities;</li> <li>iii) Minerals extraction*;</li> <li>iv) Significant tourism infrastructure;</li> <li>v) Regionally significant infrastructure; and</li> </ul> </li> <li>b) Managing new activities to retain the potential future use of: <ul style="list-style-type: none"> <li>i) Land with significant mineral resources; or</li> <li>ii) Land which is likely to be needed for regionally significant infrastructure.</li> </ul> </li> </ul> <p>*Minerals extraction includes aggregates and other mining activities.</p>	The proposal is zoning and rezoning in a way that the future development will avoid and mitigate reverse sensitivity effects with neighbouring land uses. The site does not contain mineral resources or regionally significant infrastructure.

## Chapter 6 - Regionally Significant Infrastructure

Policy 8	Land use and infrastructure should be integrated to avoid as much as practicably possible:	The future land use arising from the proposal is able to be accommodated and be connected to electricity and telecommunications.
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- 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 7 - Ecosystems and Indigenous Biological Diversity

Objective 1	Identify in regional and district plans, and through the resource consent process, areas of significant indigenous vegetation and significant habitats of indigenous fauna in a regionally consistent manner.	The proposed submission does not have any overlays that would signify indigenous biodiversity. The proposal is considered to meet the objectives and policies of this chapter.
Objective 3	Provide for sustainable subdivision, use and development to enable people and communities to maintain or enhance their economic, social, and cultural wellbeing in areas of significant indigenous vegetation and significant habitats of indigenous fauna.	The proposal will enable sustainable subdivision that will enhance their economic, social, and cultural wellbeing in an area that does not have significant indigenous vegetation.
Policy 7	<p>Provide for subdivision, use or development within land areas or water bodies containing indigenous biological diversity that does not meet any of the significance criteria in Appendix 1 or 2, by:</p> <ul style="list-style-type: none"> <li>a) Allowing activities with no more than minor adverse effects;</li> <li>b) Avoiding, remedying or mitigating more than minor adverse effects;</li> <li>c) Where there are significant residual adverse effects, considering any proposal for indigenous biological diversity offsetting or compensation.</li> </ul>	The proposal to rezone land that is not within an SNA and will provide for subdivision, development and use that will have less than minor adverse effects due to existing and proposed neighbouring land uses.

Chapter 7a - Natural Character

Objective 1	Protect the natural character of the region's wetlands, and lakes and rivers and their margins, from inappropriate subdivision, use and development	There are no identified wetlands on site.
Objective 2	Provide for appropriate subdivision, use and development to enable people and communities to maintain or enhance their economic, social and cultural wellbeing.	The proposal hopes to achieve this through change of zoning for the site that will allow future subdivision, development, and use.
Policy 1	Use regionally consistent criteria to identify the elements, patterns, processes and qualities of the natural	The proposal is not changing this/not applicable to the proposal.

	character of wetlands, and lakes and rivers and their margins.	
Policy 2	Protect the elements, patterns, processes and qualities that together contribute to the natural character of wetlands, and lakes and rivers and their margins from inappropriate subdivision, use and development.	The proposal is not changing this/not applicable to the proposal.
Policy 3	<p>When determining if an activity is appropriate, the following matters must be considered:</p> <ul style="list-style-type: none"> <li>a) The degree and significance of actual or potential adverse effects on the elements, patterns, processes and qualities that contribute to natural character;</li> <li>b) The value, importance or significance of the natural character at the local, or regional level;</li> <li>c) The degree of naturalness;</li> <li>d) The potential for cumulative effects to diminish natural character, and the efficacy of measures proposed to avoid, remedy or mitigate such effects; and</li> <li>e) The vulnerability of the natural character to change, and its capacity to accommodate change, without compromising its values.</li> </ul>	Landscape assessment report attached as appendix E assessed the visual and natural character of the site. The overall assessment is the rezoning will enable future development that will enable future development that will have minor adverse effects on existing landscape values.
Policy 4	Allow activities which have no more than minor adverse effects on natural character	As per policy 3.
Chapter 7b - Natural Features and landscapes		
Objective 1	Protect the region's outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use and development.	The site relating to the proposal does not have any outstanding natural features or within an outstanding natural landscape.
Chapter 8 - Land and Water		
Objective 1	The life-supporting capacity of freshwater is maintained or improved.	The proposal will provide careful management to protect water and land quality. The proposal is considered to meet these objectives and policies.
Objective 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	The future subdivision will provide careful management to protect water and land quality.
Objective 3	Determine allocation of water within environmental controls.	Future development will have rainwater for potable water and water for firefighting. The rezoning proposal does not require water allocation.

Objective 4	Identify and protect the significant values of wetlands and outstanding freshwater bodies.	There are no wetlands on site or outstanding freshwater bodies.
Objective 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.	The future development of this site will determine the use of water or water for potable use and firefighting at time of future subdivision consent.
Policy 1	<p>Adverse effects on fresh and coastal water quality and aquatic ecosystems arising from:</p> <ul style="list-style-type: none"> <li>a) Subdivision, use or development of land;</li> <li>b) Discharges of contaminants to water and to land in circumstances which may result in contaminants entering water;</li> <li>c) Water use and take; and</li> <li>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.</li> </ul>	It is not anticipated that the rezoning proposal will have adverse impacts on fresh and coastal water quality.
Policy 2	<p>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:</p> <ul style="list-style-type: none"> <li>a) A preference by Poutini Ngāi Tahu for discharges to land over water where practicable;</li> <li>b) The value of riparian margin vegetation for water quality and aquatic ecosystems; and</li> <li>c) Effects on the sustainability of mahinga kai, and protection of taonga areas.</li> </ul>	The future development of the site will need to carefully manage discharges from onsite services. This will be determined at future subdivision stage.
Policy 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:	<p>The future subdivision will provide careful management to protect water and land quality.</p> <p>Future development will have rainwater for potable water and water for firefighting. The rezoning proposal does not require water allocation.</p>

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

Until priority frameworks for water take and use are developed through the FMU processes and added to a regional plan, consent applications will be processed on a "first-come, first served" basis, and in making decisions, the following matters must be considered:

- a) The reasonably foreseeable future requirements for domestic and community water supply needs, stock drinking, and firefighting;
- b) The degree of community, regional or national benefit from the take, use, damming or diversion of water;
- c) Any adverse environmental effects from the take, use, damming or diversion of water will be avoided, remedied or mitigated including where applicable by applying provisions of the regional plan;
- d) Applying rates of take, volume limits and residual flows at the point of take to ensure that there is enough water for the purpose of the take, and to maintain or improve water quality and aquatic ecosystems;
- e) The extent to which the proposal maximises the efficient allocation and efficient use of water; and
- f) The reasonable needs of other water users.

Police 4

The future subdivision will need to determine this. It is likely potable water and water for firefighting will be from rainwater collection.

Policy 5	Maintain or improve water quality within freshwater management units.	The proposal is a rezoning/not applicable
Policy 6	Identify the significant values of wetlands and outstanding freshwater bodies in regional plans and protect those values.	There are no wetlands on site or outstanding freshwater bodies.
Policy 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	The proposed zone change will allow future development to occur. All future development will be required to follow the standards and best practices for treating onsite discharges and having drinking water.

Policy 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.	The proposed rezoning allows for future development that will provide for social, economic, and cultural wellbeing.
Policy 9	Implement the National Policy Statement for Freshwater Management including the National Objectives Framework.	There are no wetlands on site or outstanding freshwater bodies.

#### Chapter 9 - Coastal Environment

	<p>Within the coastal environment:</p> <ul style="list-style-type: none"> <li>a) Protect indigenous biological diversity;</li> <li>b) Preserve natural character, and protect it from inappropriate subdivision, use and development; and</li> <li>c) Protect natural features and natural landscapes from inappropriate subdivision, use and development.</li> </ul>	The chapter seeks to minimise the risk of harm to people, property and infrastructure from natural hazards in the coastal environment. It also seeks to protect the values of the coastal environment. The proposal is considered to meet the objectives and policies.
Objective 2	Provide for appropriate subdivision, use and development in the coastal environment to enable people and communities to maintain or enhance their economic, social, and cultural wellbeing.	
Objective 3	Ensure that any new subdivision, use or development in the coastal environment has appropriate regard to the level of coastal hazard risks.	The site is set back from the coast, The and it has been assessed within the technical report attached as Appendix C that there are no coastal hazards affecting the site due to the topography and the distance from the coast.
Objective 4	Ensure that coastal hazard risks potentially affecting existing development are managed so as to enable the safety, and social and economic wellbeing of people and communities.	As per objective 3.
Policy 1	<p>Within the coastal environment protect indigenous biological diversity, and natural character, natural features and natural landscapes from inappropriate subdivision, use and development by:</p> <ul style="list-style-type: none"> <li>a) Identifying in regional and district plans areas of significant indigenous biological diversity, outstanding and high natural character and outstanding natural features and landscapes, recognising the matters set out in Policies 11, 13 and 15 of the NZCPS;</li> </ul>	The site is not within these mapped areas.



- b) Avoiding adverse effects on significant indigenous biological diversity, areas of outstanding natural character and outstanding natural landscapes and features; and
- c) Avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on indigenous biological diversity, natural character, natural features and natural landscapes;

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Provide for subdivision, use or development in the coastal environment:

- a) Which maintains or enhances the social, economic and cultural well-being of people and communities;
- b) Which:
  - i) Requires the use of the natural and physical resources in the coastal environment; or
  - ii) Has a technical, functional or operational requirement to be located within the coastal environment;
- c) Recognising that minor or transitory effects associated with subdivision, use and development may not be an adverse effect within those areas described in Policy 1.b).
- d) By allowing subdivision, use and development where the adverse effects are no more than minor within those areas described in Policy 1.c).
- e) By allowing lawfully established activities to continue provided the adverse effects are the same or similar in scale, character or intensity.

Policy 3

The proposal will enable future development to occur.

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To give effect to Objective 2 of Chapter 3 of this RPS, manage land and water use in the coastal environment 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

Policy 5

The proposal enables the development

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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.

Where new subdivision, use or development in the coastal environment may be adversely affected by coastal hazards, adopt a risk management approach taking into account, where applicable:

- a) Official, nationally recognised guidelines for sea level rise;
- b) The type and life-cycle of the proposed development, including whether it is short-term, long term, or permanent;
- c) Whether the predicted impacts are likely to have material or significant consequences;
- d) The acceptability of those potential consequences, given their likelihood; and,
- e) Whether there are suitable options to avoid increasing the risk of harm from coastal hazards, and whether future adaptation options are feasible.

Policy 6

There are no hazards affecting the site. Refer to Appendix C.

Policy 7

Coastal hazard risks should be assessed over at least a 100 year timeframe

Assessment of Hazards assessed likely hazards within the 100-year timeframes. Refer to Appendix C.

Policy 8

In areas of significant existing development likely to be affected by coastal hazards, a range of options for reducing coastal hazard risk should be assessed

There are no parts of the site considered to have hazards affect it.

Policy 9

Consider opportunities for the restoration or rehabilitation of natural character

The future subdivision will have design and mitigation which may include landscaping.

#### Chapter 11 - Natural Hazards

Objective 1

The risks and impacts of natural hazard events on people, communities, property, infrastructure and our regional economy are avoided or minimised.

Natural hazards associated with the submission site have been assessed as part of the Technical Report in Appendix C supporting this application. The site is considered suitable for the re-zoning from a geotechnical and natural hazards perspective.

The submission is consistent with this Chapter.



## Appendix G. Proposed Te Tai o Poutini District Plan Assessment

## Proposed Te Tai o Poutini Plan

The proposed Te Tai o Poutini Plan was publicly notified for consultation in July 2022. The objectives and policies in the proposed Plan have been considered for the assessment of this rezoning submission.

### Relevant Objectives and policies

### Assessment of re-zoning

#### RURZ - O1

To provide for a range of activities, uses and developments that maintain the amenity and rural character values of the rural environment, while retaining highly productive land and rural activities, and supporting a productive rural working environment.

The proposal will provide a buffer between the existing proposed Rural Residential Precinct, Rural Lifestyle zones and the Rural and Industrial land adjoining the site.

The site is difficult to use for production due to the iron pan beneath (HPL-6 Class). This conversely makes the site suitable for roading and housing, with only small areas to be remediated for servicing by soakage.

This proposal is considered consistent with this objective.

#### RURZ - O2

To provide for low-density rural lifestyle living on the outskirts of settlements where this will support settlement viability and not lead to conflicts with productive rural land use or rural character.

The proposal will provide low density rural lifestyle living adjoining the rural residential precinct that would not lead to conflicts between productive rural land as this proposal will have the same rural zoned land adjoining.

#### RURZ - O3

To maintain and enhance the distinctive rural character and amenity of West Coast/Te Tai o Poutini settlements while:

- a. Allowing settlements to grow and adapt as economic activity changes;
- b. Providing for commercial and industrial land uses in larger settlements where these landuses provide for local community and rural services.

The proposal will allow the existing settlement to grow while also providing a variety of living opportunities for those in Buller District wanting to relocate from more hazard prone areas or looking to relocate to be closer to local workplaces/businesses.

#### RURZ - O4

To support the expansion of existing settlements and necessary infrastructure in areas at low risk of natural hazards, and implement hazard management to reduce the risk where existing development is located in high risk locations

The proposal supports the expansion of the existing settlement. The site has been identified as having a low risk of natural hazards and therefore, it is seen any development on the subject site is appropriate. The township does not have any servicing, so the proposal will maintain onsite servicing.

#### RURZ - O5

To support the use and extraction of mineral resources located within the rural environment, recognising that mineral resources are widespread, and that provided adverse effects are minimised and rehabilitation of land occurs

There are no mineral extraction sites nearby and as a result, the proposal does not create any new reverse sensitivity effects and is not proposing mineral extraction. The proposal is considered to meet this objective.

following mineral extraction, mineral extraction can be appropriate in a range of locations.

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#### RURZ - 06

To ensure appropriate levels of infrastructure servicing for communities and development within rural areas, recognising that outside of settlements or major developments, on site infrastructure servicing is expected.

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There are no reticulated council services to site and so any future development will require on site servicing. Meets this objective.

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#### RURZ - P1

Enable a variety of activities to occur within RURZ - Rural Zones while maintaining rural amenity and character. Outside of settlements, activities should:

- a. For buildings and structures have a bulk and location that is characteristic of rural environments;
  - b. Maintain privacy and rural outlook for residential buildings;
  - c. Be compatible with existing development and the surrounding area;
  - d. Have appropriate setbacks from the road and significant natural and cultural features;
  - e. Minimise adverse visual effects if sited on prominent ridges or immediately adjacent to public roads; and
  - f. Have awareness of cultural landscapes and avoid activities being located on the ridgelines and peaks of ancestral mountains.
- 

Meets this policy. Any future development will need to comply with the relevant provisions of the TPPP, however more appropriate zoning is proposed to suit the proposed land use and increase in residential density. The site topography, and existing vegetation in undevelopable areas of the site will provide visual mitigation for the future development of the site.

#### RURZ - P2

Provide for growth and change to settlements that:

- a. Improves the long-term viability of the settlements and their communities;
  - b. Fits with the historic, cultural and environmental character of the existing settlement;
  - c. Provides new housing opportunities in locations that are away from significant risks to life, safety and property damage from natural hazards;
  - d. Integrates with the existing residential settlement and maintains consolidated settlement form;
  - e. Supports rural community needs by providing for community facilities and educational facilities; and
- 

The proposal will provide more long-term viability of settlements and their communities by providing new housing opportunities in a location that is away from significant risks to life, safety and property damage from natural hazards while integrating with the existing rural residential settlement in the location of the existing settlement. The site is perfectly placed and suited to achieving policy P2 by consolidating the Cape Foulwind settlement without dominating the landscape in a manner respectful of adjacent rural/industrial uses.

- f. Does not compromise the dominance of the natural and cultural landscape setting and minimises ribbon residential development along the coastline, on prominent spurs, ridges and skylines and avoids development on the ridgelines and peaks of ancestral mountains.

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RURZ - P3

Expansion of existing settlements beyond current boundaries should support the existing character and amenity of the settlement and avoid areas of high hazard risk, high natural or Poutini Ngāi Tahu cultural values, or significant agricultural production values.

The proposal is not within identified areas of high hazard risk, high natural or Poutini Ngāi Tahu cultural values, or significant agricultural production values. The proposal is also an extension of the existing settlement of Cape Foulwind, but it not considered to be beyond the boundaries of the settlement. The proposal is considered to meet this policy as the proposal is extending the already identified proposed zonings within the TITPP.

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RURZ - P4

Provide for rural lifestyle development on the outskirts of towns and settlements where this will not conflict with rural production values, and recognising that these have the following characteristics:

- a. Large lots with onsite infrastructure servicing;
- b. A mix of activities;
- c. Low traffic and moderate noise levels;
- d. Dominance of open space and plantings over buildings; and
- e. Setbacks from property boundaries.

The proposal meets this policy. Future allotments will be Rural Residential, Rural Lifestyle, and Rural that will have onsite servicing on the outskirts of the Cape Foulwind settlement. The characteristics listed can be easily achieved for the site.

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RURZ - P5

Recognise that there are only small areas of highly productive land and soils for agricultural production on the West Coast/Te Tai o Poutini and where possible locate non-agricultural activities outside of these highly productive locations.

Not recognised as an area with highly productive soils within the TTPP or in the West Coast Regional Plan, or under NPS-HPL criteria.

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RURZ - P6

Recognise that the rural areas may be the most appropriate location for some utility, industrial or commercial uses to establish, where these have a functional relationship with rural areas, provided the character and amenity of the rural areas is maintained and adverse effects are managed.

The proposal is not a utility, industrial or commercial zoning. The proposal is to extend the rural residential zoning onto site. This policy is considered not applicable to the proposal.

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RURZ - P7

Recognise that where non rural activities are located in rural areas, this should not be to the detriment of the effective function of towns and settlements, or to avoid the costs of connection to community funded infrastructure.

The proposal does meet this policy. The proposal is located next to an established community and is not a separate area outside of town. There is a continuity of zoning with this proposal that allows a gradual transition to rural zoned land and industrial zoned land.

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RURZ - P8

Not Applicable to the proposal.

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Provide for new commercial and industrial activities within settlements where this does not detract from residential amenity.

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RURZ - P9

Recognise that the rural areas form an important part of the visitor economy of the West Coast/Te Tai o Poutini, particularly as a location where tourism and visitor attractions are established.

The proposal will not detract from the wider rural area or impact on tourism.

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RURZ - P10

Support the development of appropriate tourism and visitor businesses such as accommodation, education and other facilities which relate to the rural environments in which they are located.

Not applicable to the proposal.

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RURZ - P11

Subdivision and development in GRUZ - General Rural and RLZ - Rural Lifestyle Zones, the SETZ - PREC3 - Coastal Settlement Precinct and the SETZ - PREC4 - Settlement Zone - Rural Residential Precinct should recognise the character and form of rural infrastructure including:

Meets this policy. Future development will need to comply with the standards of the TTPP.

- a. Roads with roadside ditches rather than kerb and channel;
  - b. An absence of street lights and urban style footpaths; and
  - c. On site provision of water supply and on-site land treatment and disposal of stormwater and wastewater.
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RURZ - P12

Within the SETZ - Settlement Zone (outside of the SETZ - PREC3 Coastal Settlement Precinct and SETZ - PREC4 - Rural Residential Precinct) ensure that sufficient wastewater, water supply, refuse disposal, roading, footpath, open space and parking infrastructure servicing is provided as part of new development.

Meets this policy. Future development will need to comply with the standards of the TTPP.

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RURZ - P13

Where community scale infrastructure is developed to support more than 10 privately owned lots this should be to appropriate standards and vested in the Council to ensure ongoing maintenance and renewal.

Meets this policy/or not applicable? Will be determined at time of future development

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RURZ - P14

Where new infrastructure is required to support rural lifestyle development or settlement expansion this new infrastructure should be put in place at the time of development at the expense of the developer.

Meets this policy/not applicable. Future development of the site is primarily onsite reticulation of services however will determine the necessary infrastructure required and whether extension of other infrastructure needs to be part of the development (e.g. power).

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RURZ - P15

New development should be designed and located with sufficient buffers so that existing rural uses and consented activities are not unreasonably compromised by the proximity of sensitive neighbouring activities.

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Meets this policy. Future development will need to comply with the standards of the TTPP.

RURZ - P16

There should be sufficient buffers provided from infrastructure such as wastewater treatment plants and land disposal areas, transmission infrastructure and water supply catchments to avoid reverse sensitivity effects on the infrastructure.

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Meets this policy. Future development will need to comply with the standards of the TTPP.

SETZ - PREC4 - P4

Subdivision, use and development within the SETZ - PREC4 - Rural Residential Precinct should maintain the predominant rural character and amenity values, which include:

- a. Low-density residential living and small-scale rural activities;
  - b. Open space and privacy around buildings; and
  - c. On-site servicing and a general absence of urban infrastructure.
- 

The proposed plan change intends for this outcome for future development and therefore meets this policy.

CE - O1

To preserve the natural character, landscapes and biodiversity of the coastal environment while enabling people and communities to provide for their social, economic and cultural wellbeing in a manner appropriate for the coastal environment.

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The proposal is on land that already has been modified for past uses. In addition, the site is not within a natural character or landscape area. The proposal is considered to meet this policy as it will provide for people and communities to provide for their social, economic, and cultural wellbeing appropriate to this location by maintaining low density with open spaces.

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CE - O2

The relationship of Poutini Ngāi Tahu with their cultural values, traditions, interests and ancestral lands in the coastal environment is recognised and provided for and Poutini Ngāi Tahu are able to exercise tino rangatiratanga and kaitiakitanga.

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The site does not have any identified cultural overlays and will not impact on Poutini Ngai Tahu's cultural values, traditions, interest and ancestral lands. The subject site is not visible from the coast.

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CE - O3

To provide for activities which have a functional need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised.

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This objective is not relevant to the proposal.

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CE - P1

The Te Tai o Poutini plan maps have already mapped the extent of the coastal area. The subject site within this proposed Coastal Environment overlay extending over a portion of the site. The features that contribute to natural

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Identify and map a Coastal Environment overlay that recognises and provides for the extent of the coastal environment and different areas, elements or characteristics within it, including:

- a. Areas where coastal processes, influences or qualities are significant;
- b. Elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
- c. Areas along the coast and river mouths where coastal erosion and coastal inundation is likely, and within the wider coastal environment where there is a potential hazard risk should accelerated sea level rise occur;
- d. Historic heritage and Poutini Ngōi Tahu cultural areas or features;
- e. Areas of significant coastal vegetation and habitat of indigenous coastal flora and fauna species; and
- f. The built environment and infrastructure which have modified the coastal environment.

character have been assessed in the landscape report. The site is not in close proximity to the beach and is elevated above and set back from the dune system. Further, the site is separated from the immediate coast by other properties and existing roads. It is unlikely that the site is subject to coastal processes on this basis, notwithstanding this, the site has not been identified as a significant, or outstanding, natural landscape in the coastal environment.

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#### CE - P2

Preserve the natural character, natural features and landscape qualities and values of areas within the coastal environment that have:

- a. Significant indigenous biodiversity including Significant Natural Areas as described in Schedule Four
- b. Outstanding natural landscapes as described in Schedule Five;
- c. Outstanding natural features as described in Schedule Six;
- d. High coastal natural character as described in Schedule Seven; and
- e. Outstanding coastal natural character as described in Schedule Eight

Not applicable to the site. The site is not within identified Significant indigenous biodiversity and significant Natural Areas, outstanding natural landscapes, outstanding natural features, high coastal natural character, and outstanding coastal natural character.

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#### CE -P3

Only allow new subdivision, use and development within areas of outstanding and high coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features where:

- a. The elements, patterns, processes and qualities that contribute to the outstanding or high natural character or landscape are maintained;
- b. Significant adverse effects on natural character, natural landscapes and natural features, and adverse effects on areas of significant

The site is not within these areas and so this policy does not apply.

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- indigenous biodiversity, areas of outstanding natural character and outstanding natural landscapes and features are avoided;
- c. The development is of a size, scale and nature that is appropriate to the environment;
  - d. It is for a Poutini Ngāi Tahu cultural purpose; or
  - e. It is National Grid infrastructure that has a functional and operational need to locate in these areas.
- 

CE -P4

Provide for primary production activities within the outstanding and high natural character, outstanding natural landscapes and outstanding natural features within the coastal environment where:

- a. These are existing lawfully established activities; or
  - b. The use does not degrade the elements, patterns or processes that contribute to the outstanding or high values.
- 

The site is currently zoned rural and is proposed to be zoned rural residential. The proposal therefore is proposing the ability for small productive activities in conjunction with rural residential living.

CE -P5

Provide for buildings and structures within the coastal environment outside of areas of outstanding coastal natural character, outstanding natural landscape and outstanding natural features where these:

- a. Are existing lawfully established structures; or
  - b. Are of a size, scale and nature that is appropriate to the area; or
  - c. Are in the parts of the coastal environment that have been historically modified by built development and primary production activities; or
  - d. Have a functional or operational need to locate within the coastal environment.
- 

Most of the site is within the Coastal Environment overlay. The site has been primarily used for limited grazing opportunities and has been modified (vegetation cleared) to allow grazing animals. The proposed rezoning allows for future built development that will form an extension to the Cape Foulwind settlement.

CE - P6

Recognise that there are existing settlements and urban areas located within the coastal environment of the West Coast/Te Tai o Poutini including parts of Westport, Greymouth and Hokitika and enable new subdivision, buildings and structures within and expansion of towns and settlements where:

- a. These are located in areas already modified by built development or primary production activities, or
- 

The subject site is largely within the coastal environment and will allow the expansion of Cape Foulwind settlement. The site is modified and has been used to graze animals. The site topography, and existing vegetation will mitigate any future development of the site. The site has limited views to the coast due to distance to the coast and the topography of the site and surrounds.

- b. Where located in unmodified areas, any adverse impact on natural character can be mitigated;
  - c. In areas of outstanding or high natural character:
  - d. Provide for lawfully established land uses and activities to continue;
  - e. Allow for other uses with a functional need to locate in the coastal environment;
  - f. Allow for Poutini Ngāi Tahu cultural uses;
  - g. Avoid encroachment into unmodified areas of the coastal environment; and
  - h. Ensure subdivision and development is of a scale and design where adverse effects on the elements, patterns and processes that contribute to natural character are minimised.
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CE - P7

Reduction in public access to the coastal environment can be considered when coastal hazard mitigation works are required to protect communities from a significant natural hazard threat. When assessing proposals for natural hazard structures effects on public access should be considered and ways to minimise them found, including:

- a. Provision of alternate certain and enduring access; and
  - b. Provision of public amenity or opportunity for environmental benefit along the structure, provided that the physical integrity and function of the structure is maintained.
- 

This policy does not apply to the proposal and subject site. This subject site is not directly adjoining the coast.

CE - P8

Enable the maintenance, repair and operation of the National Grid. Where new development and upgrades of the National Grid are required, seek to avoid and otherwise remedy or mitigate adverse effects on Overlay Chapter areas.

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The proposal does not contravene this policy.