

Before the Proposed Te Tai o Poutini Plan – A Combined District Plan for the West Coast, Hearings Panel.

under: the Resource Management Act 1991

in the matter of: The Proposed Te Tai o Poutini Plan: A Combined District Plan for the West Coast – Hearing Topic: South Westland Natural Hazards (Excluding Coastal Hazards) Part A, and Franz Josef Special and Settlement Zones.

between: Te Tai o Poutini Plan Committee. Comprising the Buller, Grey and Westland District Council

and: **Scenic Hotel Group**
Submitter 483

Statement of Evidence (Planning) of Melanie Foote for Scenic Hotel Group

Dated: 9 September 2024

STATEMENT OF EVIDENCE OF MELANIE FOOTE

INTRODUCTION

- 1 My full name is Melanie Karen Foote and I am a Principal Consultant at Resource Management Group Limited in Christchurch.
- 2 I have over 20 years' experience as a planner for local authorities and consultancies in Queenstown, United Kingdom and Christchurch. I hold a Bachelor of Resource Studies and a Post Graduate Diploma in Resource Studies from Lincoln University. I am a full member of the New Zealand Planning Institute.
- 3 I am familiar with the submission made by Scenic Hotel Group (submitter number 483) ('Scenic') on 11 November 2022 and the issues discussed in that submission. I have been authorised by Scenic to provide evidence on its behalf.
- 4 The key documents I have used, or referred to, in forming my view while preparing this statement are:
 - 4.1 Natural Hazards – Ngā Mōreareatanga Aotūroa, Section 42A report and appendices of James Beban and Sarah Gunnell for Buller, Grey and Westland District Councils, undated.
 - 4.2 Franz Josef Area, Te Tao o Poutini Plan, Section 42a Report and appendices of Lois Easton for Buller, Grey and Westland District Councils, undated.
 - 4.3 PowerPoint presentation of Karl Luxon, Scenic Hotels Chief Executive Officer, dated 2 August 2024.
 - 4.4 Memo of Sam Flewellen, Senior Planner, Planz Consultants, dated 23 August 2024.
- 5 Terms and coding used in my evidence include:
 - 5.1 pTTPP - The Proposed Te Tai o Poutini Plan
 - 5.2 Scenic - Scenic Hotel Group
 - 5.3 RMA – Resource Management Act

CODE OF CONDUCT

- 6 Although this is not an Environment Court hearing, I note that in preparing my evidence I have reviewed the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I have complied with it in preparing my evidence on technical matters. I confirm that the technical matters on which I give evidence are within my area of expertise,

except where relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from my opinions expressed.

SUMMARY AND SCOPE OF EVIDENCE

- 7 This evidence is largely supportive of the pTTPP and is supportive of the proposed amendments recommended in both s.42A reports.
- 8 My evidence relates to the submission made by Scenic on the Natural Hazards Part A, and Franz Josef Special and Settlement Zones.

SCENIC

- 9 Scenic owns and operates 18 hotels in New Zealand and is New Zealand's largest locally owned chain of hotels and has operated in New Zealand for over 40 years.
- 10 Scenic is a committed long-term operator who promote and market the West Coast Region. Scenic hotels on the West Coast add significant economic benefits and vitality to the communities where their hotels and worker accommodation are located. Scenic provides sustainable employment for locals and hosts over 145,000 people to the West Coast region at their hotels annually. Tourism is a key industry and employer on the West Coast, with Franz Josef, Fox Glacier and Haast all being key tourism destinations. Scenic have significant landholdings in these townships and provide local employment and worker accommodation.
- 11 Worker accommodation is provided by Scenic in Franz Josef and Fox Glacier via a mixture of residential properties in both townships and also at the Kea Staff Village in Franz Josef. Going forward it is important for Scenic to be able to develop some of their existing residential sites to replace aged single dwellings with modern worker accommodation units in order to attract and retain staff. As an example of future development an indicative site plan for the redevelopment of 26 Cron Street in Franz Josef is attached as **Appendix One**.

SCENIC'S SUBMISSION ON THE PTTPP

- 12 Scenic's original submission was broadly framed and voiced general concern with what they saw as poorly justified and unworkable regulation. Scenic opposed all the proposed rules and zone changes as they felt they were unnecessary, unduly restrictive and have the potential to affect funding of development and the insurability of their properties.
- 13 Relevant to this hearing Scenic own the following land holdings:
 - 13.1 Te Waonui Forest Retreat, 3 Wallace St, Franz Josef Glacier

- 13.2 Scenic Hotel Franz Josef Glacier, 45 State Highway 6, Franz Josef Glacier.
- 13.3 Kea Staff Village, 93 Cron Street, Franz Josef Glacier
- 13.4 "Mueller Site" – flood damaged hotel at 2964 Franz Josef Highway
SH6: LEGAL DESCRIPTION Section S011504
- 13.5 Heartland Hotel Glacier Country, 39-45 State Highway 6, Fox Glacier
- 13.6 Heartland Hotel Fox Glacier, 11 Cook Flatt Road, Fox Glacier
- 13.7 Heartland Hotel Haast, Jackson Bay Road, Haast
- 13.8 24 Cowan Street, Franz Josef Glacier (residential)
- 13.9 26 Cron Street, Franz Josef Glacier (residential)
- 13.10 2 Condon Street, Franz Josef Glacier (residential)
- 13.11 27-31 Sullivan Road, Fox Glacier (residential)
- 13.12 31 and 35 Pekanga Drive, Fox Glacier (residential)

SCENICS SUBMISSION ON THE SOUTH WESTLAND NATURAL HAZARDS (INCLUDING FRANZ JOSEF, FOX GLACIER AND HAAST)

- 14 Scenic's submission was very broad and was in general opposition all the proposed natural hazards rules and zoning, so my evidence largely focusses on reviewing the key recommended amendments proposed by Ms Gunnell and Mr Beban and the proposed text amendments proposed by Mr Flewellen at the previous hearing.

Proposed New Definitions

- 15 Ms Gunnell and Mr Beban propose three new definitions: 'Hazard Sensitive Activity', 'Potentially Hazard Sensitive Activity' and 'Less Sensitive Hazard Activity'¹ I have reviewed these definitions and agree that they better assist plan users with understanding and interpreting the pTTPP. I agree with the recommendation of Ms Gunnell and Mr Beban to include these definitions.

Flood Plain Overlay

- 16 Scenic opposed the Flood Plain overlay on a number of listed properties. I note Ms Gunnell and Mr Beban have stated that this overlay is not based on accurate mapping or modelling and therefore was applied as a precautionary layer. I agree with the recommendations of Mr Beban and Ms

¹ s.42A Report of Ms Sarah Gunnell and Mr James Beban, undated, paragraph 74

Gunnell to remove the Flood Plain Overlay and the associated provisions but that all other Flood Hazard Overlays remain².

Flood Susceptibility and Flood Severe Overlays

- 17 Scenic opposed the Flood Susceptibility and Flood Severe overlays as part of their original submission. I have reviewed the s.42A report and agree with assessment and recommendations of Ms Gunnell and Mr Beban, Scenic no longer opposes the Flood Susceptibility or Flood Severe overlays.

Rule NH-R1

- 18 I have reviewed the proposed amendments to NH-R1 and agree with the recommended amended wording in the s.42a report³ as this provides more clarity for plan users. I agree with the assessment that there is an appropriate pathway for new development to occur through a resource consent process which will ensure appropriate mitigation measures are employed.

Flood Overlay Rules: NH-R6 – NH-R13

- 19 Ms Gunnell and Mr Beban have recommended that Rules NH-R6, NH-R11 and NH-R12 be deleted as they are not necessary⁴. I agree with this recommendation.
- 20 Ms Gunnell and Mr Beban have recommended that Rules NH-R7, NH-R8, NH-R9, NH-R10, NH-R13 and NH-R14 are all deleted and be replaced with three new rules NH-R4, NH-R5 and NH-R6. I have reviewed the proposed replacement rules and agree with the wording proposed. The simplification of the rules and use of the new proposed definitions (discussed at paragraph 15 of my evidence above), provides greater clarity for plan users. Further I note where the required minimum finished floor levels are provided for there is a permitted activity pathway for additions to existing buildings and for new buildings outside the Flood Severe Overlay areas. I agree with the recommendation of Ms Gunnell and Mr Beban⁵.

Earthquake Overlay

- 21 Scenic opposed the earthquake overlays and sought financial assistance or compensation. Ms Gunnell and Mr Beban have assessed the inclusion of Scenic's site at 26 Cron Street, Franz Josef and recommended that the site is no longer subject to an earthquake hazard overlay under the proposed changes to the extent of the earthquake overlay⁶. The Scenic Hotel site at 45 State Highway 6 is also proposed to be no longer subject to the Earthquake Overlay. Further the s.42A report recommends that 24 Cowan Street and 2 Condon Street still remain in the earthquake overlay area. I

² s.42A report of Ms Gunnell and Mr Beban, undated, paragraph 107, page 41

³ s.42A Report of Ms Gunnell and Mr Beban, undated, paragraph 505, pages 143 and 144

⁴ s.42A Report of Ms Gunnell and Mr Beban, undated, paragraph 595, page 143 and 176

⁵ s.42a report of Ms Gunnell and Mr Beban, undated, paragraph 596, page 176 and 177.

⁶ s.42a report of Ms Gunnell and Mr Beban, undated, paragraph 119, page 45

agree that it is appropriate for both these properties to remain in the Earthquake Overlay.

Earthquake Natural Hazards Rules

- 22 Scenic made a general submission seeking to replace the rules with new rules that permit modern buildings and that which employ modern techniques compliant with the Building Code that can withstand earthquakes without risk to life or unacceptable damage. However, Scenic did not offer any proposed wording for such rules. I have reviewed the amended rules as proposed by the s.42A report authors and agree with the deletion of NH-R15 to NH-R32 and that they be replaced with the new Rules NH-R7-NH-R107. I consider the simplification of these rules and use of the proposed new definitions provides greater clarity for plan users.

SCENIC'S SUBMISSION ON FRANZ JOSEF SETTLEMENT AND SCENIC VISITOR ZONES

- 23 Scenic opposed the Settlement and Scenic Visitor Zoning for their properties and sought compensation for any restrictions arising from the proposed zoning. I have reviewed the Operative District Plan provisions and the pTTPP provisions and consider the proposed zoning to be entirely appropriate for all Scenic's sites and Scenic longer opposes the proposed zoning. This support is subject to proposed minor amendments to the rules for both zones outlined below.
- 24 At the conclusion of the recent hearing for the Settlement Zones and Precincts the Panel invited Scenic to assist the Panel by providing text amendments to the pTTPP that would address the concerns raised. Scenic engaged Planz Consultants to provide text amendments⁸ and these are attached as **Appendix Two** and include a brief commentary/assessment linking back to original submission. I agree with this assessment.
- 25 A number of the proposed amendments put forward in the Planz memo are also relevant to the Franz Josef Settlement zone and the Scenic Visitor Zone. On this basis I propose to adopt those amendments where relevant to these zones and also propose one small new amendment.
- 26 Proposed amendments are marked as **bold** and underlined and deletions bold ~~strikethrough~~. Additional amendments I propose are marked in **red** bold underlined. I note that the 'base' chapter is that provided in the s.42A report for the previous hearing⁹ as given there are only two discrete recommendations proposed by Ms Easton¹⁰ there have been no further revisions to the Settlement or Scenic Visitor zone provisions since.

⁷ s.42A report of Ms Gunnell and Mr Beban, undated, paragraph 654, page 195.

⁸ Memo of Sam Flewellen, Planz Consultants, dated 23 August 2024

⁹ s.42A Report of Lois Easton, Appendix 1 Settlement Zones – Recommended Amendments. of Lois Easton, Settlement Zones, undated.

¹⁰ s.42A Report of Lois Easton, Franz Josef Area, undated.

Scenic Visitor Zone

- 27 I adopt the following amendments to the SVZ overview are proposed by Mr Flewollen¹¹. The key issue for Scenic and the driver for the proposed amendments is to ensure the zoning and associated rules balance being able to enable growth and development to support tourism whilst ensuring there is a clear simple regulatory process for appropriate development to occur. Further it is important to Scenic to ensure that tourism and associated visitor accommodation and worker accommodation activities are recognised for the critical role they play for the West Coast. The proposed amendments outlined by Planz and additional amendments I propose will ensure these issues are addressed. The suggested amendments are as follows

SVC Scenic Visitor Zone - Te Takiwā Manuhuru Tirotiro Taiao

Overview

This zone recognises the unique tourism and scenic qualities of the commercial areas of Fox Glacier/Weheka, Franz Josef/Waiiau and Punakaiki townships.

These three areas sit adjacent to the Tai Poutini/Westland National Park, and Paparoa National Park respectively. They are located in areas of spectacular natural and cultural value, and development needs to respect the qualities of the environment in which they are located.

Because of their spectacular locations, these townships are among the most visited in the country, and form key tourism and visitor infrastructure for the West Coast/Te Tai o Poutini **while providing considerable employment and demand for worker accommodation.**

...

Scenic Visitor Zone Policies

SVZ - P1

Provide for growth and change to the Fox Glacier/Weheka, Franz Josef/Waiiau and Punakaiki townships that:

- a. Supports the long-term viability of the commercial areas and the communities that support them;
- b. Recognises the unique scenic qualities of the environments and does not compromise the dominance of the natural landscape setting in which the townships are located; and
- c. Avoids, **or does not exacerbate, the risk from significant natural hazards for further development. in areas at greatest risk from significant natural hazards.**

¹¹ Memo of Sam Flewollen, Planz Consultants, dated 23 August 2024, Appendix 1, page 1

...

SVZ - P4

Support the **growth and** development of appropriate tourism and visitor businesses such as visitor accommodation, visitor attractions, worker accommodation¹⁰⁴ and tourism support facilities that relate to the scenic and built¹⁰⁵ environment in which they are located.

...

SVZ - P6

Require high quality design outcomes within the SVZ - Scenic Visitor Zone that:

- a. Recognise and respond to the natural character and scenic landscape values of the area;
- b. Have appropriate controls on design and height to protect the landscape, existing built environment¹⁰⁶ and natural character values;
- c. Create a safe and vibrant pedestrian environment with continuous verandah coverage in the Main Street Frontage of Fox Glacier/Weheka and Franz Josef/Waiiau;
- d. Recognise and provide for Poutini Ngāi Tahu cultural¹⁰⁷ values; and
- e. Avoid, **or do not exacerbate**, the significant risks of natural hazards.

Scenic Visitor zone Rules

Permitted Activities

SVZ - R1 Commercial, Visitor **and worker** Accommodation, Residential, Recreational and Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities

Activity Status Permitted

Where:

1. Any building or structure is setback a minimum of 3m from any SETZ - Settlement Zone boundary;
2. All external storage and waste management space is screened by landscaping so it is not visible from any adjoining SETZ - Settlement Zone boundary or any adjoining public space;
3. Any residential activity must provide a minimum of 50m² outdoor living space for each residential unit which is separate from any parking and manoeuvring areas;

...

8. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to:

- a. Road boundaries;
 - b. Buildings on adjoining sites that have a common wall along the boundary;
 - c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
 - d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
 - e. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.
- f. Boundaries adjoining any site in a General Rural Zone, General Industrial Zone, Open Space Zone, Natural Open Space Zone, or Natural Open Space Zone.**

Advice Note:

1. Much of Franz Josef/Waiiau is within the Flood Susceptibility Hazard Overlay and/or the Earthquake Hazard Overlay. Refer to the Natural Hazards Chapter for relevant rules that also apply.

2. **Where building height and/or recession plane rules apply, they shall be measured from existing ground level or where subject to a flood or coastal hazard overlay, they shall be measured from the level specified on a minimum floor level certificate, whichever is the higher.**

...

Restricted Discretionary Activities

SVZ - R5 Commercial, Visitor **and Worker** Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not Meeting Permitted Activity Standards

Discretionary Activities

SVZ - R6 Commercial, Visitor **and Worker** Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not meeting Permitted or Restricted Discretionary Activity Rules.

SETZ SETTLEMENT ZONE - TE TAKIWĀ NŌHANGA PŌNAHO

- 28 I agree with the following amendments to the SETZ as proposed by Mr Flewelen from Planz¹² along with one minor amendment to SETZ-R11 to include

¹² Memo of Sam Flewelen, Planz Consultants, dated 23 August 2024, Appendix 1, page 1

Franz Josef and Fox Glacier under this rule. This amendment to include Franz Josef and Fox Glacier townships ensures that visitor accommodation and workers accommodation are only required to comply with SETZ-R2 and not SETZ R1 -density standards. I consider compliance with SETZ-R2 only for worker accommodation will ensure the design and bulk and location of any future buildings is at an appropriate scale for a site and consistent with other settlements, precincts and existing visitor accommodation activities.

Overview

The SETZ - Settlement Zone covers all the wide range of settlements that are outside of the four main towns throughout the West Coast/Te Tai o Poutini. Settlements differ from the main towns because of their small scale and low intensity of development. They comprise a mixture of residential, commercial, recreational, rural, community, **visitor and worker accommodation**, and other uses, often interspersed. The character of settlements is influenced by the prevailing mixture of uses, large section sizes, low intensity of development and informal appearance.

...

The SETZ - Settlement Zone provides for residential activities as well as some commercial activities, **and visitor and worker accommodation activities**. Where industrial activities are proposed these need to be undertaken in an INZ - Industrial Zone.

SETZ – R2 Buildings and Sites - Design

Activity Status Permitted

Where:

1. The maximum height above ground level for buildings is:
 - i. 10m for residential, **visitor and worker accommodation** buildings and Emergency Service Facilities and 7m for accessory buildings; except

...

Advice Notes

1. In relation to indigenous vegetation clearance in Kumara Junction developments and Standard 5. it should be noted that indigenous vegetation clearance provisions in the Ecosystems and Biodiversity Chapter also apply;
2. Where a residential building or noise sensitive activity is located within:
 - i. 80m of a State Highway with a speed limit of 70kph or greater; or
 - ii. 40m of a State Highway with a speed limit of less than 70kph; or
 - iii. 40m of a Railway Line; or
 - iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
 - v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.

3. Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.

4. Where building height and/or recession plane rules apply, they shall be measured from existing ground level or where subject to a flood or coastal hazard overlay, they shall be measured from the level specified on a minimum floor level certificate, whichever is the higher.

...

SETZ - R11 Visitor **and worker** Accommodation in the **Settlement Zone in Barrytown**, Settlement Centre Precinct, **Franz Josef, Fox Glacier and Settlement Coastal Precinct in Punakaiki**

Activity Status Permitted

Where:

1. All performance standards for Rule SETZ -R2 are complied with.

Advice Note:

~~1. All types of visitor accommodation are Permitted in the SETZ -PREC2 Settlement Centre Precinct including homestay, hosted short term residential accommodation, hotels, motels, boarding houses and backpackers.~~

2. Where visitor accommodation is located within:

- i. 80m of a State Highway with a speed limit of 70kph or greater; or
- ii. 40m of a State Highway with a speed limit of less than 70kph; or
- iii. 40m of a Railway Line; or
- iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
- v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

...

Recession Plane Amendment for both SETZ and SVZ

- 29 The proposed minimum floor levels have the potential to restrict the development capacity of a site by effectively reducing the height a replacement or new building can build to. This is of particular concern in relation to Scenic's visitor accommodation sites. I agree with the proposed advice note proposed by Mr Flewellen for both zones as outlined above. This approach is consistent with a similar approach adopted by other District Plans for example the Christchurch District Plan.

CONCLUSION

- 30 The provisions, as amended, would achieve the purpose of the RMA, would ensure that the tourism industry is supported and that the growing needs of

visitors are met whilst also providing for local employment and accommodation for workers.

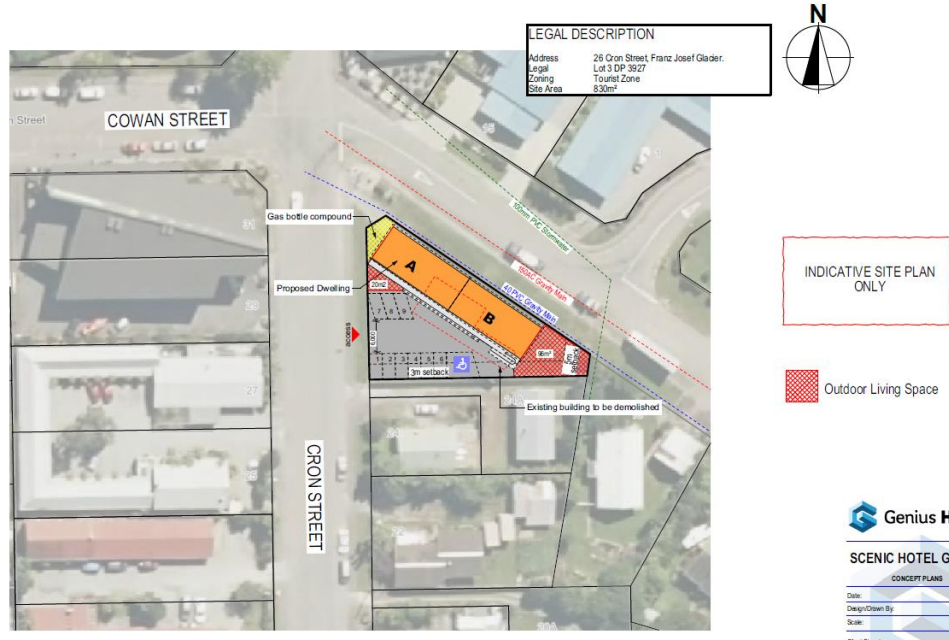
Dated: 9 September 2024

A handwritten signature in blue ink, appearing to be 'MKF', is centered within a light gray rectangular box.

Melanie Karen Foote

APPENDIX ONE: Planz Consultants Memo – Requested Amendments to proposed TTPP

Appendix Two: Indicative Worker Accommodation Development 26 Cron Street



Genius Homes

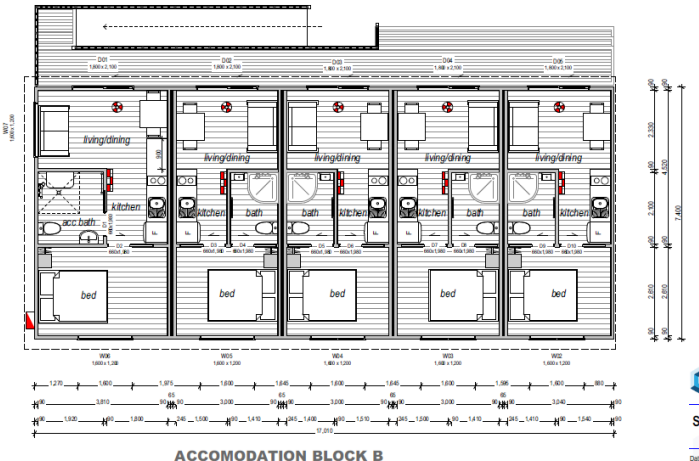
SCENIC HOTEL GROUP

CONCEPT PLANS

Date:	22/09/2023
Design/Drawn By:	D. Vlahos
Scale:	1:300 @ A3
Client Signature:	Date:

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Design Conditions	
Address:	24 Cron Street, Franz Josef Glacier.
Altitude:	143m
Wind Zone:	1B
Snow Region:	NZ
Snow Loading:	TBC
Exposure Zone:	C
Smokes Alarm	
Meter Box	
Switch Board	
Notes	
House PFL:	370mm +/- 50mm
Stud Height:	24.20mm
Bath:	20mm
House Roof Pitch:	4°
Floor Area:	125.6m ²
Decking Area:	21.5m ²



Genius Homes

SCENIC HOTEL GROUP

CONCEPT PLANS

Date:	22/09/2023
Design/Drawn By:	D. Vlahos
Scale:	1:75 @ A3
Client Signature:	Date:

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Memo

To:	Karl Luxon, Scenic Hotels Chief Executive Officer
From:	Sam Flewelling, Senior Planner
Date:	23 August 2024
Subject:	Requested Amendments to proposed TTPP – Scenic Hotels Submission #483

Introduction

Scenic Hotel Group (Scenic) made a wide-ranging submission on the proposed Te Tai o Poutini Plan (pTTPP) in which it raised submission points covering a number of topics including:

- Historic and Cultural Values
- Energy Infrastructure and Transport
- Natural Environmental Values
- Zones
- Hazards and Risks
- General Feedback

Scenic also requested to be heard in relation to its submission and attended the recent hearing on the Rural Zone and Settlement Zone provisions which was held over 29-30 July 2024 and 1-2 August 2024. Following the presentation by Scenic at the hearing on August 2nd, the Panel requested that Scenic provide suggested amendments to the pTTPP that it considered would address the matters raised in their submission.

The purpose of this memo is to provide the requested amendments. To further assist the Panel, this memo also includes a brief explanation as to why the amendments are sought.

Planz are particularly mindful of the stage the hearing is at i.e. post-hearing and post-evidence. This memo therefore does not comprise planning or technical evidence but is provided to assist the Panel in consideration of the matters raised by Scenic at the hearing.

Scope of this response

It is recognised that the pTTPP is being heard in a staged manner on a chapter/topic basis. Some of the themes raised in Scenic's submission and decisions sought relate to chapters that have already been heard, or are planned to be heard at a later date.

The matters covered in this memo are related to the Rural Zone including Settlement Zone and associated Precincts and Special Purpose Scenic Visitor Zone. It is appreciated that the hearing for the Special Purpose Zones was held earlier in July, however, Scenic was not able to attend that hearing timeslot and therefore seeks that the information in this response is considered across these chapters. We likewise note that the hearings associated with topics relating to natural hazards and coastal character overlays are still to come, as are the hearings that have a specific focus on Fox and Franz Josef townships.

Key themes

- The primary issue that Scenic has with the pTTPP in relation to the numerous premises it owns and operates within the West Coast is the complex layering of constraints and overlays included within the pTTPP against the backdrop of zoning that has been provided to enable growth and development to support tourism, particularly for tourism-centred areas like Punakaiki and Fox/ Franz Josef and nearby service and support areas e.g. Barrytown.
- For the Settlement Zone including Coastal Settlement Precinct and the Special Purpose Scenic Visitor Zone, there are both general and direct objectives and policies that seek to support and enable growth, and development, including that which supports tourism in these zones. On its face, the zone outcomes seek to provide a framework that appropriately enables the key business/ employment activity in these townships. Equally however, there are objectives and policies that seek to prevent growth and development in these same areas where they are subject to identified constraints or overlays e.g. coastal hazards, coastal environment, outstanding natural landscapes, and sites of significance to Māori.
- As a result, the framework for these townships, and in particular Punakaiki, provides for a very limited envelope of permitted activity and development standards, which is then compounded by Punakaiki having very limited urban zoned land provision. The combination of geographically limited private (non-conservation) landholdings, combined with the layering of thematic controls, means that in effect it is virtually impossible to avoid a complex resource consenting process in Punakaiki for any development that would seek to support visitor and worker accommodation. In short, the recognition of the critical role that tourism plays in these areas is fundamentally undermined by the various thematic overlays. The current framework does not therefore achieve the objectives and policies related to growth and development to support tourism.
- The amendments proposed in this memo cannot fully resolve this tension as part of this hearing topic, given the number of overlays in the coastal settlement areas (subject to other chapters/ hearings) but they are proposed to provide a more balanced approach to achieving the relevant objectives and policies and to assist with providing a more workable regulatory pathway for these types of activities.
- It is understood that Scenic are intending to present planning evidence to the upcoming hearings on Fox and Franz Josef townships which will further advance the concerns raised (and solutions proposed) in the recent hearing for Punakaiki.

Suggested Amendments with Explanations

Special Purpose Zone Chapter- Scenic Visitor Zone

A tracked version of the proposed amendments sought by Scenic to the SPZ Scenic Visitor Zone are contained within **Appendix 1** to this memo, with amendments to the Rural Chapter and associated Settlement Zone contained within **Appendix 2**. The 'base' chapter is that provided in the recent S42A report. Changes recommended by the reporting officer are shown in black underline or ~~striketrough~~. Changes sought by Scenic are shown in blue underline or ~~striketrough~~.

Overview

- The overview for the SPZ Scenic Visitor Zone acknowledges the importance of tourism as follows:

Because of their spectacular locations, these townships are among the most visited in the country, and form key tourism and visitor infrastructure for the West Coast/Te Tai o Poutini. In the case of the glacier towns of Franz Josef/Waiau and Fox Glacier/Weheka, tourism numbers have reached as high as 750,000 per annum (6000 people per day), with 450,000 people per annum visiting Punakaiki. The communities themselves, however, are home to a few hundred people, so the main focus of the commercial areas is supporting visitor activity.

- While this existing wording is supported, it lacks emphasis on the employment and demand for worker accommodation that tourism generates in these localities. Therefore, amendments have been proposed to acknowledge and recognise these aspects.

Objectives and Policies

- **Objective O1 – Policies P1(a), P3, and P4**
 - With regard to Punakaiki in particular, there is recognition in Objective O1 and Policies P1(a), P3, and P4 with regard to providing for growth, change, and further development within these areas particularly for visitor and worker accommodation to support tourism. These provisions are therefore supported with the proposed amendment to Policy P4 by the s42A officer, in their s42A report, to insert 'worker accommodation' into the text also supported along with additional text proposed to provide for growth as well as development of tourism.
- **Objective O2 – Policy P1(c), and P6**
 - In addition to the above, there are also objectives and policies with regard to natural hazards that run counter to the above mentioned 'enabling' policies. In particular, Policy P1(c) and P6 are highly directive that development in areas at greatest risk from natural hazards is avoided.
 - Approximately half of all of the SPZ Scenic Visitor Zone land within Punakaiki is subject to the Coastal Hazard Severe Overlay with a smaller additional area subject to Coastal Hazard Alert overlay. Such a directive policy would override the balance of policies and prevent rather than enable, growth, change and further development to support tourism. This is despite the already very limited available SPZ Scenic Visitor Zone land area in Punakaiki.
 - Reducing the directiveness of this policy to 'avoid, or do not exacerbate, the risk from significant natural hazards', would as a minimum, still provide a potential pathway for land subject to this overlay to still be utilised and developed to a useful extent and achieve greater alignment with the balance of policies.

Rules

- **SVZ- Rule R1 (Scope)**
 - The proposed addition of the reference to 'worker accommodation' to ensure there is provision in the rule framework to achieve Policy P4 (s.42A version). There is a high demand for worker accommodation facilities to support visitor accommodation activities. Worker accommodation typically requires increased densities compared to residential activities and is similar to motel type facilities.
 - The balance of activities, including Emergency Service Facilities, permitted under this rule are also supported.
- **SVZ – Rule R1 (4a)**
 - This permitted standard provides for a maximum of 50m² of indigenous vegetation clearance.
 - Given most land within this zone, if not already developed, is fully covered in indigenous vegetation, this rule essentially means that resource consent will always be required.
 - A 50m² clearance limit is excessively constraining for a zone that is intended to be developed and runs counter to the intent of the objectives and policies of the SPZ Scenic Visitor Zone related to tourism support and growth (Objective 1, Policies P1, and P4).
 - It is also noted that a 500m² indigenous vegetation clearance limit, over a period of three years, also applies via Rule ECO-R2 within the Ecosystems and Indigenous Biodiversity Chapter. Rule ECO-R2 applies to areas within the Coastal Environment, which includes all of Punakaiki. Therefore, there is a considerable degree of duplication and overlap between these two rules with no compelling reason for the lesser 50m² limit in this specific zone.
 - It is therefore requested that Rule SVZ – R1 (4a) is deleted.
- **SVZ – Rule R1 (5)**
 - The reduction in the height limit that applies to the SPZ Scenic Visitor Zone in Punakaiki is proposed to be reduced from 10m (under the operative Buller District Plan) to 7m under the pTTPP.
 - Given the very limited land available in Punakaiki, coupled with the considerable number of restrictive overlays and rule standards, very little of this zone can be developed as of right and it is expected that even with a complex resource consent process, much of this land will remain constrained.
 - Therefore, it is requested that this height limit be amended back to 10m to provide for slightly increased, but not inappropriate, density of development in a location with considerable demand for visitor and worker accommodation but very limited urban zoned land.
 - This will have the added effect of better achieving the related objectives and policies of this Chapter.
- **SVZ – Rule R1 (8)**
 - Recession planes under this rule presently apply to all adjoining land, regardless of zone and sensitivity of land use, with exceptions generally only for road boundaries and boundaries abutting access lots.
 - Given the SPZ Scenic Visitor Zones in Punakaiki and Franz Josef, and Fox Glacier, adjoin a number of zones that are not sensitive to recession planes and in many cases are simply steep bush covered land or rural land, exceptions for recession planes on these non-sensitive zones are sought to be applied to remove this unnecessary constraint.
 - This amendment seeks to ensure that what is already a very limited land resource for development is not unnecessarily constrained.

- **SVZ – Rule R1 (advice note)**
 - Given the flood and coastal hazard overlays that apply to Punakaiki, Franz Josef and Fox Glacier settlements, these will place a significant constraint on development.
 - Where development is authorised, the expectation is that there would a minimum Finished Floor Level requirement.
 - It is therefore requested as an advice note, or rule or definition if the panel prefers, that where building height and/or recession plane rules apply, confirming that they:
 - shall be measured from either existing ground level, or
 - where subject to a flood or coastal hazard overlay, shall be measured from the level specified on a minimum floor level certificate, whichever is the higher.
 - This is a practical response to ensure that FFLs do not have the unintended consequence of effectively reducing the height limits for the zone which could be the difference between enabling a second storey on a building or not.
 - This amendment seeks to ensure that what is already a very limited land resource for development is not unnecessarily constrained.

- **SVZ – Rule R5 and R6 – Restricted Discretionary Activities**
 - These Restricted Discretionary and Discretionary rules apply to Visitor Accommodation activities and other activities that do not meet permitted activity standards. This includes worker accommodation as sought by Scenic. Therefore, it is considered that worker accommodation should be referenced in the title of these rules for consistency.

Suggested Amendments with Explanations

Rural Chapter – Settlement Zone including Coastal Settlement Precinct

A tracked version of the proposed amendments sought by Scenic are contained within **Appendix 2** to this memo.

Overview

- The Rural Zone overview refers to small settlements and townships noting that they *are a significant feature within the rural areas of the West Coast/Te Tai o Poutini, with numerous coastal and inland settlements around the districts. Some of these settlements were once much larger, due to past mining and forestry activities which supported the settlements population. Some are expanding, mainly due to the increase in tourism activities, or their proximity to the main centres, meaning they are becoming more like commuter areas.*
- There is a genuine need for expansion and/or development of some settlement areas such as Punakaiki due to the high level of tourism demand. Equally, it should be recognised that some settlement areas near these core tourism areas still play an important role in the support of tourism through providing additional services and support. An example of this is Barrytown and the ability for it to support the tourism demand and pressure in Punakaiki particularly with regard to visitor and worker accommodation. Therefore, some minor amendments are suggested to this section of the Rural Chapter to provide this important context.
- The SETZ- PREC3- Coastal Settlement Precinct overview refers to *settlements which are located in coastal areas, generally within or near areas of high coastal natural character and coastal landscape values. The Coastal Settlement Precinct provides principally for residential activities, and a low-scale development and subdivision pattern which fits with the surrounding scenic landscape. Design of buildings, their size and location are all key matters which are controlled within the Coastal Settlement Precinct.*
- The northern urban catchment of Punakaiki contains primarily Settlement and Open Space zoning. The above overview does not provide an accurate context of what this zone currently entails which is a mixture of visitor accommodation, including substantial motel complexes, a hostel, a campground, and other visitor accommodation along with residential activities. It is noted that many of the residential dwellings in Punakaiki are also rented out for visitor accommodation purposes e.g. Air BnB. Therefore, the Settlement Zone as it relates to Punakaiki, does not in reality provide principally for residential activities as set out in the Overview above, but rather the predominant activity in the settlement is that of visitor accommodation activities to support tourism. Therefore, it is appropriate that accurate context is provided in this overview as per the suggested amendments.

Objectives and Policies

The settlement zone objectives and policies sit under the Rural zone chapter with specific policies related to non-rural activities and settlement precincts.

- **Policy – Visitor Economy – RURAL – P10**
 - This policy appropriately seeks to support the development of tourism and visitor businesses such as accommodation that relates to the environment that they are located in. Given tourism and visitor accommodation generates considerable employment within specific locations such as Punakaiki, it is important to also recognise and provide for worker accommodation in these and nearby locations. A small amendment to this policy is therefore sought to address this.

- **Policy – SETZ – PREC3 – Coastal Settlement Precinct Policy**
 - Policy RURZ P10 (which applies to all settlement areas) sits more generally above this precinct policy. The proposed amendment to this precinct policy is critical to reflect the existing context and importance of supporting the high proportion of visitor accommodation and tourism related activities in Punakaiki.

Rules

- **SETZ – Rule R2 Buildings and Sites- Design (1iii)**
 - The reduction in the height limit that applies to the Coastal Settlement Precinct in Punakaiki is proposed to be reduced from 10m (under the operative Buller District Plan) to 7m under the pTTPP.
 - Given the very limited land available in Punakaiki, coupled with the restrictive overlays and rule standards, much of this land will remain constrained.
 - Therefore, it is requested that this height limit be amended back to 10m to provide for slightly increased, but not inappropriate, density of development in a location with considerable demand for visitor and worker accommodation but very limited urban zoned land. A similar height limit for visitor and worker accommodation in the Settlement Zone (non precinct areas) is also recommended. This will have the added effect of better achieving the related objectives and policies of this Chapter.
- **SETZ – Rule R2 Buildings and Sites- Design (2iii)**
 - It is requested that site coverage for the coastal settlement precinct in Punakaiki be increased from 40% to 50% to provide for slightly increased, but not inappropriate, density of development in a location with considerable demand for visitor and worker accommodation but very limited urban/settlement zoned land.
- **SETZ – Rule R2 Buildings and Sites- Design (3ii)**
 - This rule provides for a maximum 350m² for a single building with the exception of the coastal precinct for which a total of only 200m² maximum for all buildings combined on a site is permitted. This is a very limiting constraint and while it is potentially appropriate in other coastal precinct locations, it does not recognise the existing character and built form of Punakaiki or the demand for growth and development to support tourism in this area.
 - While excessively large single structures require some consideration in terms of design and integration into the site, much of the Coastal Precinct area in Punakaiki already provides for motels and visitor accommodation in excess of this limit, therefore Punakaiki is sought to be exempt from this rule (whilst remaining subject to the Clause 3(i) limit on individual buildings of more than 350m²).
- **SETZ – Rule R2 (6iv)**
 - Recession planes under this rule presently apply to a small group of adjoining zones.
 - Given the Coastal Settlement Precinct Zone in Punakaiki also adjoins open space zoned land which is not acutely sensitive to recession planes, this zone is sought to be added to exceptions for recession planes.
 - Removing this restriction on a non-sensitive zone within Punakaiki will remove an unnecessary constraint, on a very limited land resource noting there will still be controls with regard to building height and site coverage.
- **SETZ – Rule R3 Building Design in the Coastal Settlement Precinct**
 - Rule R3 also provides additional control over individual building size for the coastal precinct, again which may apply to the character of other coastal precinct areas but does not reflect the character of Punakaiki, therefore Punakaiki is sought to be exempt from this rule.

- **SETZ – Rule R11 Visitor Accommodation in the Settlement Centre Precinct**
 - At present this rule only applies to the Settlement Centre Precinct. This rule package essentially prevents visitor and worker accommodation in the Coastal Settlement Precinct, as a permitted activity which does not align with the primary demand for land use activities within Punakaiki. Similarly, this rule package does not provide for visitor and worker accommodation in Settlement Zones that actively support nearby tourism heavy areas areas e.g. Barrytown.
 - It is considered appropriate that this rule should apply to the Coastal Settlement precinct within Punakaiki given this area already has a considerable number of visitor and worker accommodation activities established in this zone. Equally, it is considered that this rule should also apply to the Settlement Zone in Barrytown given it already acts, and can develop further to act, as a direct support and service area to Punakaiki which is severely land constrained for the reasons given earlier in this memo.
 - The proposed amendments provide for this rule to apply to the Coastal Settlement Precinct zoning within Punakaiki and Settlement Zone in Barrytown exclusively, reflecting their unique yet strong demand for the types of activity provided for by this rule.

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APPENDIX 1 – Special Purpose Zones – Scenic Visitor Zone

SVZ

Scenic Visitor Zone - Te Takiwā Manuhuru Tirotiro Taiao

Overview

This zone recognises the unique tourism and scenic qualities of the commercial areas of Fox Glacier/Weheka, Franz Josef/Waiau and Punakaiki townships.

These three areas sit adjacent to the Tai Poutini/Westland National Park, and Paparoa National Park respectively. They are located in areas of spectacular natural and cultural value, and development needs to respect the qualities of the environment in which they are located.

Because of their spectacular locations, these townships are among the most visited in the country, and form key tourism and visitor infrastructure for the West Coast/Te Tai o Poutini [while providing considerable employment and demand for worker accommodation](#).

In the case of the glacier towns of Franz Josef/Waiau and Fox Glacier/Weheka, tourism numbers have reached as high as 750,000 per annum (6000 people per day), with 450,000 people per annum visiting Punakaiki. The communities themselves, however, are home to a few hundred people, so the main focus of the commercial areas is supporting visitor activity.

Alongside their scenic locations, these three townships are all threatened by significant natural hazards - coastal erosion and rockfall at Punakaiki, flooding and the Alpine Fault at Fox Glacier/Weheka and Franz Josef/Waiau. Climate change may also threaten these natural features/. As part of the development of these areas over time, Te Tai o Poutini Plan seeks to increase the respective townships resilience to natural hazards. At Franz Josef/Waiau, where the Alpine Fault crosses through the centre of the township, and the Waiho River also poses a significant threat, development away from the faultline and river is supported by the Plan. This includes through changes in zoning provisions, as well as the natural hazards provisions in the Natural Hazards chapter.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for activities in the SVZ - Special Visitor Zone, including:

- ~~a. **Overlay Chapters** – the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape; riparian areas; natural hazards; and the coastal environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.~~¹⁰³
- b. Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Scenic Visitor Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
- c. Natural Hazards** - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Scenic Visitor Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.
- d. Natural Character and Margins of Waterbodies** - in some locations areas of Scenic Visitor Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.
- e. Ecosystems and Biodiversity** – The Ecosystems and Biodiversity chapter contains the provisions around the management of indigenous vegetation, including within the Māori Purpose Zone. These are in addition to the specific provisions in Rules SVZ – R1 and SVZ – R5 in relation to vegetation clearance in the Punakaiki Scenic Visitor Zone.
- f. Coastal Environment** - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment chapter contains provisions for activities within these areas
- g. Subdivision** - The Subdivision chapter sets out the requirements for subdivision activities in the SVZ - Scenic Visitor Zone.
- h. Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators.

Scenic Visitor Zone Objectives

Appendix 1: Recommended Amendments to the Plan

SVZ - 01

To provide for community and visitor needs in the Fox Glacier/Weheka, Franz Josef/Waiiau and Punakaiki townships in a way that delivers protection of the unique values that attracts visitors and benefits the local and regional economies and communities.

SVZ - 02

To support the expansion of the Fox Glacier/Weheka and Franz Josef/Waiiau townships into areas of lower risk from natural hazards and to reduce the risk where existing development is located in high-risk natural hazard locations.

Also the Strategic Objectives and Policies

Scenic Visitor Zone Policies

SVZ - P1

Provide for growth and change to the Fox Glacier/Weheka, Franz Josef/Waiiau and Punakaiki townships that:

¹⁰³ Forest and Bird (S560.391, S560.0541)

Appendix 1: Recommended Amendments to the Plan

- a. Supports the long-term viability of the commercial areas and the communities that support them;
- b. Recognises the unique scenic qualities of the environments and does not compromise the dominance of the natural landscape setting in which the townships are located; and
- c. Avoids, ~~or does not exacerbate, the risk from significant natural hazards for further development. in areas at greatest risk from significant natural hazards.~~

SVZ - P2

Provide for new commercial development areas beyond the current Fox Glacier/Weheka and Franz Josef/Waiiau centres where these are at lower risk from natural hazards and avoid areas of high hazard risk.

SVZ - P3

Recognise the significance of the three townships to the wider visitor economy of the West Coast/Te Tai o Poutini and enable the further development of these areas as world class visitor destinations.

SVZ - P4

Support the [growth and](#) development of appropriate tourism and visitor businesses such as [visitor accommodation](#), [visitor attractions](#), [worker accommodation](#)¹⁰⁴ and tourism support facilities that relate to the [scenic and built](#)¹⁰⁵ environment in which they are located.

SVZ - P5

Within the SVZ - Scenic Visitor Zone ensure:

- a. Sufficient sewerage, stormwater, water supply, refuse disposal, roading, footpath, open space and parking infrastructure is provided as part of new development;
- b. Where new wastewater disposal infrastructure is developed, this takes a land-based disposal approach, recognising the importance of natural environment and Poutini Ngāi Tahu values in these locations; and
- c. Industrial activities are avoided.

SVZ - P6

Require high quality design outcomes within the SVZ - Scenic Visitor Zone that:

- a. Recognise and respond to the natural character and scenic landscape values of the area;
- b. Have appropriate controls on design and height to protect the landscape, [existing built environment](#)¹⁰⁶ and natural character values;
- c. Create a safe and vibrant pedestrian environment with continuous verandah coverage in the Main Street Frontage of Fox Glacier/Weheka and Franz Josef/Waiiau;
- d. Recognise and provide for Poutini Ngāi Tahu [cultural](#)¹⁰⁷ values; and
- e. Avoid ~~or do not exacerbate~~ the significant risks of natural hazards.

SVZ - P7

Implement the Franz Josef/Waiiau Concept Plan and Punakaiki Masterplan to deliver on the long-term aspirations for development in these areas.

Scenic Visitor Zone Rules

Permitted Activities

SVZ - R1 Commercial, Visitor [and worker](#) Accommodation, Residential, Recreational and Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities

Activity Status Permitted

Where:

1. Any building or structure is setback a minimum of 3m from any SETZ - Settlement Zone boundary;
2. All external storage and waste management space is screened by landscaping so it is not visible from any adjoining SETZ - Settlement Zone boundary or any adjoining public space;
3. Any residential activity must provide a minimum of 50m² outdoor living space for each residential unit which is separate from any parking and manoeuvring areas;
4. In the Punakaiki SVZ - Scenic Visitor Zone:

¹⁰⁴ William McLaughlin (S567.715), Chris & Jan Coll (S558.687), Chris J Coll Surveying Limited (S566.687), Laura Coll McLaughlin (S574.687) and Neil Mouat (S535.075)

¹⁰⁵ Paparoa Track Services (S605.036) and Jane Whyte & Jeff Page (S467.012)

¹⁰⁶ Paparoa Track Services (S605.037) and Jane Whyte & Jeff Page (S467.013)

¹⁰⁷ Ngāi Tahu (S620.309)

Appendix 1: Recommended Amendments to the Plan

- ~~a. A maximum of 50m², indigenous vegetation clearance occurs as part of the activity;~~
 - b. Roof colour has a reflectance value of 30% or recessive colours in grey/greens;
 - c. Maximum site coverage is 60%;
 - d. Residential activities are ancillary to a Commercial or Community activity;
5. Maximum building height is:
- a. 710m in the Punakaiki SVZ - Scenic Visitor Zone; and
 - b. 10m in the Franz Josef/Waiiau and Fox Glacier/Weheka SVZ - Scenic Visitor Zone except that hose drying towers associated with Emergency Service Facilities are exempt from this standard;
6. In the Franz Josef/Waiiau and Fox Glacier/Weheka SVZ - Scenic Visitor Zone:
- a. Building roof pitch is between 8-35 degrees;
 - b. Roof colour has a reflectance value of 30% or recessive colours in grey/greens;
 - c. Buildings are clad in wood, plaster stone and/or profile metal sidings;
 - d. Accessory buildings are in the style, appearance and materials of the principal building;
 - e. Residential unit density is a minimum of 1 unit per 200m² net site area;
 - f. Maximum building coverage is:
 - i. 80%; except
 - ii. 100% for sites in the Franz Josef/Waiiau Main Street Frontage area;
 - g. Except in the Franz Josef/Waiiau Main Street Frontage area, a minimum 10% of the indigenous vegetation is retained on any site;
7. All buildings in the Franz Josef/Waiiau Main Street Frontage area:
- a. Are located on the front boundary of the site with no setback from the street boundary except that a recess of up to 0.5m within the facade of the building is permitted;
 - b. Have a cantilevered continuous verandah to cover the full width of the footpath;
 - c. Have 50% of the ground floor facade devoted to display windows or 75% of its height for at least 50% of the ground floor building frontage; and
 - d. Have one public entrance with glazing comprising at least 40% of the doors;
8. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to:
- a. Road boundaries;
 - b. Buildings on adjoining sites that have a common wall along the boundary;
 - c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
 - d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
 - e. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.
 - f. [Boundaries adjoining any site in a General Rural Zone, General Industrial Zone, Open Space Zone, Natural Open Space Zone, or Natural Open Space Zone.](#)

Advice Note:

1. Much of Franz Josef/Waiiau is within the Flood Susceptibility Hazard Overlay and/or the Earthquake Hazard Overlay. Refer to the Natural Hazards Chapter for relevant rules that also apply.
 2. [Where building height and/or recession plane rules apply, they shall be measured from existing ground level or where subject to a flood or coastal hazard overlay, they shall be measured from the level specified on a minimum floor level certificate, whichever is the higher.](#)
 3. [Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council](#)
 3. Where a residential building, visitor accommodation or a noise sensitive activity is located within:
 - a. 80m of a State Highway with a speed limit of 70kph or greater; or
 - b. 40m of a State Highway with a speed limit of less than 70kph; or
 - c. The 50 dBA Noise Contour boundary of Franz Josef Heliport.
- Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.
4. [The provisions this rule in relation to indigenous vegetation clearance in the Punakaiki Scenic Visitor Zone are in addition to the requirements in the Ecosystems and Biodiversity Chapter.](#)¹⁰⁸

¹⁰⁸ Forest and Bird (S560.391, S560.0541)

Activity status where compliance not achieved:

Restricted Discretionary where standard 2,¹⁰⁹ 3, or 4 or 8¹¹⁰ is not complied with
Discretionary where standards 1–2 and 5 - 9 are not complied with.

SVZ - R2 Minor Structures

Activity Status Permitted

Where:

1. Masts, poles, aerials and pou whenua must not exceed 7m in height;
2. Any antenna dish must be less than 1m in diameter;
3. Any ornamental structure must not exceed 2.4m in height; and
4. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Discretionary

SVZ - R3 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall.

Activity status where compliance not achieved: Discretionary

SVZ - R4 Relocated Buildings

Activity Status Permitted

Where:

1. All standards for Rule SVZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed and built to be used as a dwelling;
3. A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the reinstatement works shall be completed within a 12 month period;
4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and
5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

Activity status where compliance not achieved: Discretionary

Restricted Discretionary-Activities

SVZ - R5 Commercial, Visitor [and worker](#) Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not Meeting

Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

1. This is in the Punakaiki SVZ - Scenic Visitor Zone; and
2. Indigenous vegetation clearance is proposed as part of the activity; and
3. All other performance standards for Rule SVZ - R1 are complied with.

Discretion is restricted to:

- a. Design, height, bulk and location of buildings and structures;
- b. Carparking, vehicle and pedestrian access;
- c. Extent of indigenous vegetation clearance;
- d. Effects on Poutini Ngāi Tahu Cultural values;

¹⁰⁹ William McLaughlin (S567.720), Chris & Jan Coll (S558.693), Chris J Coll Surveying Limited (S566.693) and Laura Coll McLaughlin (S574.693)

¹¹⁰ Laura Coll McLaughlin (S574.695), Chris J Coll Surveying Limited (S566.695), Chris & Jan Coll (S558.695) and William McLaughlin (S567.722)

Appendix 1: Recommended Amendments to the Plan

- e. Effects on natural character and landscape values; and
- f. Effects on biodiversity and wildlife values.

Activity status where compliance not achieved: Discretionary

Advice Note: The provisions in this rule in relation to indigenous vegetation clearance in the Punakaiki Scenic Visitor Zone are in addition to the requirements in the Ecosystems and Biodiversity Chapter.¹¹¹

Discretionary Activities

SVZ - R6 Commercial, Visitor and Worker Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not meeting Permitted or Restricted Discretionary Activity Rules.

Activity Status Discretionary

Activity status where compliance not achieved: N/A

SVZ - R7 Minor Structures, Relocated Buildings, Fences, Walls and Retaining Walls not meeting Permitted Activity Rules

Activity Status Discretionary

Activity status where compliance not achieved: N/A

Non-complying Activities

SVZ - R8 Industrial Activities

Activity Status Non-complying

Activity status where compliance not achieved: N/A

SVZ - R9 Any Activity Not Provided for in Another Rule in the Zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Alterations to Planning Maps – Land to be Rezoned Scenic Visitor Zone

Rezone 29-31 Cron Street, Franz Josef as Scenic Visitor Zone¹¹²



¹¹¹ Forest and Bird (S560.391, S560.0541)

¹¹² West Coast Wildlife Centre (S1.001)

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APPENDIX 2 – Rural Zones – Coastal Settlement Precinct

Definitions

<p><u>Agricultural aviation activities</u>¹</p>	<p>means the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for rural production activities, plantation forestry production, and conservation activities for biosecurity, or biodiversity purposes, including stock management, and the application of fertiliser, agrichemicals, or vertebrate toxic agents (VTA's). For clarity, aircraft includes fixed-wing aeroplanes, helicopters, and unmanned aerial vehicles (UAV's).</p>
<p>Agricultural, Pastoral and Horticultural Activities</p>	<p>means the use of land or buildings where the primary purpose is to produce livestock, crops and other agricultural produce that relies on the productive capacity of land, and includes:</p> <ol style="list-style-type: none"> a. agriculture, pastoral/livestock farming, dairying and horticulture except for intensive indoor primary production; b. beekeeping; c. sphagnum moss collection; d. storage of products and initial processing of horticultural and agricultural products produced on that site; e. the storage, treatment and disposal of solid and liquid animal waste; f. wood lots; g. stock sale yards; h. rural research; i. rural produce retail (where the rural produce is grown or produced on site, and products manufactured from it are offered for sale); j. farm quarries; k. intermittent use of rural airstrips and landing areas by aircraft undertaking activities for rural production purposes agricultural aviation activities²; and l. ancillary structures/accessory buildings.
<p>Farm Quarry</p>	<p>means an open pit or excavation from which quantities of soil, stone, gravel or mineral is extracted for farming activities on the same site property³.</p>
<p>Intensive Indoor Primary Production</p>	<p>means primary production activities that principally occur within buildings and involve growing fungi, or keeping or rearing livestock (excluding calf-rearing for a specified time period) or poultry.</p> <p>Advice Note: For the avoidance of doubt intensive indoor primary production does not include wintering barns or herd homes where the primary production activity principally occurs in an outdoor environment⁴.</p>
<p><u>Rural Production</u>⁵</p>	<p>means agricultural, pastoral, horticultural, or forestry activities.</p>

¹ New Zealand Agricultural Aviation Association (S166.006)

² New Zealand Agricultural Aviation Association (S166.038, S166.039)

³ Federated Farmers of New Zealand (S524.008)

⁴ Buller District Council (S538.012), Grey District Council (S608.007), Jared Avery (S508.001), Kyle Avery (S509.001), Avery Bros (S510.001), Bradshaw Farms (S511.001), Paul Avery (S512.001), Brett Avery (S513.001), Leonie Avery (S507.001), Geoff Volckman (S563.001), Catherine Smart-Simpson (S564.004), Koiterangi Lime Co Ltd (S577.001), Chris J Coll Surveying Limited (S566.307), William McLaughlin (S567.037), Laura Coll McLaughlin (S574.307), Chris & Jan Coll (S558.307) Avery Brothers (S609.001), Karamea Lime Company (S614.001), Peter Langford (S615.001) and Ngāi Tahu (S620.033)

⁵ New Zealand Agricultural Aviation Association (S166.013)

RURZ

Rural Zones - Objectives and Policies - Ngā Whāinga me ngā Kaupapa Here

Overview

Rural areas represent the majority of private land within the West Coast/Te Tai o Poutini. They are working environments – with farming, mining, tourism, horticulture, and forestry being undertaken alongside a number of smaller industries. They contain native bush, wetlands, renewable electricity generation sites and national grid infrastructure. Rural areas are also residential environments – characterised by a⁶ lower levels of built development and greater separation distance from neighbours.

The rural area is characterised by its open vistas and natural features that are of importance to the wider community. Components of the rural area include the coastline, waterbodies, vegetation and the absence of built-up areas.

Small settlements and townships are a significant feature within the rural areas of the West Coast/Te Tai o Poutini, with numerous coastal and inland settlements around the districts. Some of these settlements were once much larger, due to past mining and forestry activities which supported the settlements population. Some are expanding, mainly due to the increase in tourism activities [e.g. Punakaiki](#), or their proximity to the main centres [or tourism activities](#), meaning they are becoming more like commuter areas [or service and support areas e.g. Barrytown](#).

Settlements have a range of characteristics – coastal, historic, bush living and rural. They are often typified by the presence of historic or longstanding industrial uses, although commercial activity is only found in the largest of these places.

Because the Rural areas represent such a large part of the West Coast/Te Tai o Poutini, in addition to the RURZ - Rural Zones Objectives and Policies the Strategic Objectives also provide particularly relevant considerations for the management of these areas.

Key points to note are:

- The strategic direction for AG - Agriculture to maintain productive values and maintain agricultural viability [including through enabling support industries and services](#)⁷
- The importance identified in the strategic direction for MIN - Mineral Extraction in ensuring that new development does not compromise existing mineral extraction activities through reverse sensitivity and recognition that mineral extraction is an accepted and ongoing activity within the rural areas;
- The importance of identifying and protecting unique and important NENV - Natural Environments as well as areas where subdivision use and development can occur;
- Supporting POU - Poutini Ngāi Tahu as kaitiaki, in economic activity around tourism and visitors and in their management of Pounamu and Aotea stone resources;
- The role that the rural areas play in terms of supporting TRM - Tourism as a major economic activity on the West Coast/Te Tai o Poutini.

There are three RURZ - Rural Zones on the West Coast/Te Tai o Poutini - the GRUZ - General Rural Zone, the RLZ - Rural Lifestyle Zone and the SETZ - Settlement Zone.

- The GRUZ - General Rural Zone covers much of the land on the West Coast/Te Tai o Poutini where primary production uses are the major activities. There are two Precincts within the Zone - GRUZ - PREC1 - Community Living Precinct and GRUZ - PREC5 - ~~Highly Productive Land~~ [Rural Production](#) Precinct.
- The SETZ - Settlement Zone covers all the wide range of settlements that are outside of the four main towns throughout the West Coast/Te Tai o Poutini. Because of the range of conditions within the Settlement Zone there are three Precincts within the Zone - SETZ - PREC2 - Settlement Centre Precinct, SETZ - PREC3 Coastal Settlement Precinct, and SETZ - PREC4 - Rural Residential Precinct.
- The RLZ - Rural Lifestyle Zone is located around the edges of towns and settlements. It includes areas that were predominantly farmed in the past, but have gradually moved out of economic primary production, although they still may have rural activities occurring.

⁶ Federated Farmers (S524.104)

⁷ RCNZ (S489.003)

Alongside the RURZ - Rural Zone Policies there is a specific policy for each Precinct.

Note with Regard to Plantation Forestry

There are no specific provisions as relate to plantation forestry within the RURZ - Rural Zone Chapters. This is because plantation forestry is principally regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017. Exceptions to this occur in the Overlay Chapters and where forestry activities are proposed these chapters must be considered.

Rural Zones Objectives

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.

RURZ - O2

The Rural Lifestyle Zone provides⁸ 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.

RURZ - O3

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

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

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.

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

RURZ - O6

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.

RURZ – O7

The General Rural Zone is managed to maintain its availability for primary production purposes and its long term protection from being compromised by reverse sensitivity⁹.

Also view the Strategic Objectives and Policies

Rural Zones Policies

Rural Amenity and Character

RURZ – PXXXX

Within the General Rural Zone enable primary production activities as the predominant land use, alongside activities that support primary production.

RURZ - P1

⁸ Horticulture New Zealand (S486.063) and Federated Farmers of New Zealand (S524.107)

⁹ Grey District Council (S607.107)

Appendix 1 Rural Zones – Recommended Amendments to the Plan

Enable a variety of activities to occur within RURZ – Rural Zones while maintaining rural amenity and character. Outside of settlements, activities should¹⁰:

Rural character and amenity within the GRUZ - General Rural Zone and RLZ - Rural Lifestyle Zone is maintained by:

- a. ~~For~~ Buildings and structures having a bulk and location that is characteristic of rural environments and primary production activities;
- b. Maintaining privacy and rural outlook for residential buildings;
- c. Ensuring activities are ~~Be~~ compatible with existing development and the surrounding area while recognising that primary production activities can generate noise, odour and dust;
- d. Having appropriate setbacks from the road and adjacent primary production activities ~~significant natural and cultural features~~;
- e. Locating activities sensitively in the environment to minimise adverse visual and cultural effects if sited on ridge lines or ancestral mountains.
- f. ~~Minimise adverse visual effects if sited on prominent ridges or immediately adjacent to public roads; and~~
- g. ~~Have awareness of cultural landscapes and avoid activities being located on the ridgelines and peaks of ancestral mountains.~~

RURZ - P2

Provide for growth and change to settlements within the SETZ – Settlement Zone¹¹ 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 a consolidated settlement form;
- e. Supports rural community needs by providing for community facilities and educational facilities; and
- f. Does not compromise the ~~dominance of~~¹² 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.

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~~ primary¹³ production values.

RURZ - P4

Provide for rural lifestyle development within the RLZ - Rural Lifestyle Zone¹⁴ on the outskirts of towns and settlements where this will not conflict with ~~rural production values~~ primary production activities¹⁵, 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.

Production Values

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.

¹⁰ Federated Farmers (S524.109) and Horticulture New Zealand (S486.066)

¹¹ Federated Farmers of New Zealand (S524.110)

¹² Department of Conservation (S602.229)

¹³ TiGa Minerals and Metals Limited (S493.093), WMS Group (S599.109), Birchfield Coal Mines Ltd (S601.087), Birchfield Ross Mining Limited (S604.077), Phoenix Minerals Limited (S606.062), Whyte Gold Limited (S607.062)

¹⁴ Cashmere Bay Dairy Ltd (S461.012)

¹⁵ Horticulture New Zealand (S486.067)

Non-Rural Activities

RURZ - P6

Recognise that the rural areas may be the most appropriate location for some utility, regionally significant infrastructure¹⁶, educational facilities,¹⁷ 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. In particular, regionally significant infrastructure may have a functional need to be located in rural areas in order to operate effectively¹⁸

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.

RURZ - P8

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

Visitor Economy

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.

RURZ - P10

Support the development of appropriate tourism and visitor businesses such as accommodation including worker accommodation, education and other facilities which relate to the rural environments in which they are located, where these activities do not adversely affect primary production activities¹⁹.

Infrastructure in Rural Areas

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:

- 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.

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.

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.

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.

¹⁶ Manawa Energy (S438.137)

¹⁷ Ministry of Education (S456.048)

¹⁸ Radio New Zealand (S476.037)

¹⁹ Federated Farmers (S524.124)

Reverse sensitivity

RURZ - P15

New development should be designed and located with sufficient buffers so that existing rural uses and ~~consented~~ lawfully established²⁰ activities are not unreasonably compromised by the proximity of sensitive neighbouring activities.

RURZ - P16

There should be sufficient buffers provided from infrastructure such as wastewater treatment plants and land disposal areas, renewable electricity generation²¹, transmission infrastructure, telecommunications and radio communication equipment²² and water supply catchments ~~to avoid reverse sensitivity effects on the infrastructure~~ to ensure that infrastructure is not compromised by reverse sensitivity effects²³.

Papakāinga housing

RURZ - P17

Enable the housing needs of Poutini Ngāi Tahu ~~whānui~~ and Māori landowners²⁴ to be met in rural areas and locations safe from significant natural hazards.

Mineral Extraction

RURZ - P18

Recognise that mineral resources are fixed in location and enable mineral extraction activities provided adverse effects are avoided, remedied or mitigated.

RURZ - P19

Manage conflicts between mineral extraction activities and other land uses by ensuring that:

- a. Standards to minimise impacts on the amenity, rural character and natural values of rural areas are met; and
- b. Activities that are incompatible with the effects of mineral extraction activities are not established close to existing mineral extraction activities.

RURZ - P20

Enable rural production activities to utilise aggregate resources by providing for farm quarries where they are not located within areas identified within Schedules One - Eight.

RURZ - P21

Require proposals for new mineral extraction activities to provide adequate information on the establishment and operation of the mineral extraction activity, measures to reduce and/or avoid adverse effects and rehabilitation of the mineral extraction area.

RURZ - P22

Sites used for mineral extraction should be rehabilitated to enable the land to be used for other activities appropriate to the area.

RURZ - P23

Co-ordinate the approach to mineral extraction activity consents with the West Coast Regional Council, particularly where water resources and soil conservation are affected.

RURZ - P24

²⁰ Waka Kotahi (S450.269), Horticulture New Zealand (S486) and Federated Farmers (S524.115)

²¹ Manawa Energy (S438.139)

²² Radio New Zealand (S476.038)

²³ Horticulture New Zealand (S486.071)

²⁴ Te Tumu Paeroa (S440.046)

Appendix 1 Rural Zones – Recommended Amendments to the Plan

When mineral resources of regional or national significance are identified, consider including these areas within the MINZ - Mineral Extraction Zone.

RURZ - P25

Maintain the quality of the environment and amenity of areas surrounding the mineral extraction activities as far as practicable by:

- a. Utilising management, mitigation and rehabilitation plans as a key tool;
- b. Managing dust, noise, vibration, access and lighting to maintain amenity values;
- c. Managing traffic generation impacts on the operation and maintenance of the transport network;
- d. Avoiding or mitigating impacts on significant indigenous vegetation and significant habitats of indigenous fauna;
- e. Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity;
- f. Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale;
- g. Undertaking progressive remediation to address effects during extraction operations; and
- h. Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.

Airfields and Helipads

RURZ - P26

Provide for development and use²⁵ of ancillary infrastructure such as rural airstrips and helipads helicopter landing areas which support rural ~~land uses such as farming~~ production, conservation and recreation.

RURZ - P27

Manage the location and operation of airfield and helicopter landing areas within the rural area for activities other than rural production and conservation²⁶ to provide for the amenity values of the surrounding rural and settlement areas.

RURZ - P28

Enable aircraft and helicopter movements within the rural area for ~~purposes~~ agricultural aviation activities²⁷ ancillary to rural production on a seasonal and short-term basis.

GRUZ - PREC1 - Community Living Precinct Policy

GRUZ - PREC1 - P1

Subdivision, use and development within the GRUZ - PREC1 - Community Living Precinct should:

1. Provide for grouped housing, community infrastructure and other activities with appropriate buffers to avoid impacts on the amenity of surrounding properties and the environment;
2. Minimise any impacts on natural environment values and appropriately locate wastewater treatment infrastructure to avoid adverse effects on water quality;
3. Provide for appropriate expansion and redevelopment of the buildings and activities within the Precinct, allowing for change and growth of the communities within it; and
4. Be undertaken in a planned manner, in accordance with a concept plan agreed with the Grey District Council.

SETZ - PREC2 - Settlement Centre Precinct Policy

SETZ - PREC2 - P2

Subdivision, use and development within the SETZ - PREC2 - Settlement Centre Precinct should:

- a. Maintain or enhance the character and built form of the settlement;
- b. Adaptively reuse existing heritage and character buildings where practicable; and
- c. Provide for commercial activities and community facilities which serve the settlement, rural community and visitors.

²⁵ New Zealand Agricultural Aviation Association (S166.032), Horticulture New Zealand (S486.072)

²⁶ New Zealand Agricultural Aviation Association (S166.033), Horticulture New Zealand (S486.073) and Federated Farmers (S524.116)

²⁷ New Zealand Agricultural Aviation Association (S166.034)

Rural Zones Policies

SETZ - PREC2 - Settlement Centre Precinct Policy

SETZ - PREC2 - P2

Subdivision, use and development within the SETZ - PREC2 - Settlement Centre Precinct should:

- a. Maintain or enhance the character and built form of the settlement;
- b. Adaptively reuse existing heritage and character buildings where practicable; and
- c. Provide for commercial activities and community facilities which serve the settlement, rural community and visitors.

SETZ - PREC3 - Coastal Settlement Precinct Policy

SETZ - PREC3- P3

Subdivision, use and development within the SETZ - PREC3 - Coastal Settlement Precinct should:

- a. ~~Take into account~~ Recognise and provide for¹ the coastal natural character and protect the scenic landscape values of the area;
- b. Have appropriate controls on design and height to protect the landscape and coastal natural character values ~~and be undertaken in accordance with the coastal development guidelines~~²;
- c. Recognise and provide for access to mahinga kai and Sites and Areas of Significance to Māori for Poutini Ngāi Tahu; ~~and~~
- d. Allow for the further development of the port area at Jackson Bay where this is of a scale and extent that is appropriate to the location; and³
- e. Be located to avoid or designed to mitigate⁴ the significant risks of natural hazards.
- f. Support and enable the development of visitor accommodation, worker accommodation and tourism support facilities in Punakaiki.

SETZ - PREC4 - Rural Residential Precinct Policy

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;
- d. Industrial or commercial activities which have a functional relationship with rural areas⁵; ~~and~~
- e. Presence of rural activities and established infrastructure which should be protected from reverse sensitivity effects⁶;

SETZ

Settlement Zone- Te Takiwā Nōhanga Pōnahō

Overview

The SETZ - Settlement Zone covers all the wide range of settlements that are outside of the four main towns throughout the West Coast/Te Tai o Poutini. Settlements differ from the main towns because of their small scale and low intensity of development. They comprise a mixture of residential, commercial, recreational, rural, community, [visitor and worker accommodation](#), and other uses, often interspersed. The character of settlements is influenced by the prevailing mixture of uses, large section sizes, low intensity of development and informal appearance.

¹ Department of Conservation (S602.232)

² Department of Conservation (S602.232)

³ WMS Group (S599.107)

⁴ Papanoa Track Services (S605.028)

⁵ Westland Farm Services (S550.014)

⁶ Radio New Zealand (S476.039)

Appendix One: Settlement Zones – Recommended Amendments to the

The extent of reticulated services is limited. While some settlements in Grey District have a reticulated water supply, most settlements have no reticulated servicing, and are reliant on the use of on-site wastewater systems and water supplies. The degree of road infrastructure developed is also variable. Older settlements may have a main street with footpaths, streetlights and kerb and channel, but many locations do not have this infrastructure and this more rural character should generally prevail in any new development.

The SETZ - Settlement Zone provides for residential activities as well as some commercial activities, [and visitor and worker accommodation activities](#). Where industrial activities are proposed these need to be undertaken in an INZ - Industrial Zone.

There are three Precincts within the SETZ Settlement Zone - SETZ - PREC2 - Settlement Centre, SETZ - PREC3 - Coastal Settlement and SETZ - PREC4 - Rural Residential.

The RURZ - Rural Zones Objectives and Policies and SETZ - Settlement Zone Rules provide the framework for managing the effects of development in the SETZ - Settlement Zone. However, there are additional specific policies and rules for each of the three Precincts. Where there is a conflict between a SETZ - Settlement Zone provision and a Precinct provision, the Precinct provision applies.

SETZ - PREC2 - Settlement Centre Precinct is located in settlements where a focal community and commercial area is developing. It is anticipated that the Settlement Centre character will develop over time, with more commercial development in particular. This precinct anticipates the possibility that the settlement will grow and demand for retail and commercial services will increase, and that community facilities could be developed or expanded with this growth. Settlement Centre Precincts are identified in Karamea, Charleston, Blackball, Kumara, Ross, Harihai, Kaniere and Haast.

SETZ - PREC3 - Coastal Settlement Precinct is located over settlements which are located in coastal areas, generally within or near areas of high coastal natural character and coastal landscape values. The Coastal Settlement Precinct provides principally for residential activities, and a low-scale development and subdivision pattern which fits with the surrounding scenic landscape. [Punakaiki is a distinct exception given the high proportion of visitor and worker accommodation activities located within this zone to support tourism demand in this area.](#) Design of buildings, their size and location are all key matters which are controlled within the Coastal Settlement Precinct. Little Wanganui (subdivision area), Punakaiki (including within Grey District), Ōkarito, Okuru, Hannah's Clearing, Neil's Beach, Mahitahi/Bruce Bay and Okahu/Jackson Bay are included in the Coastal Settlement Precinct. These areas are also all subject to significant natural hazards and the provisions in the natural hazards chapter are very relevant for activities in this Precinct.

SETZ - PREC 4 - Rural Residential Precinct is located over areas on the edge of settlements and towns where larger lots - 4000m² are provided for a more rural residential lifestyle. These areas sit on an interface with the GRUZ - General Rural Zone or RLZ - Rural Lifestyle Zone and avoiding reverse sensitivity for rural uses is often as important as managing the amenity for residents within the Precinct. Alongside residential uses, some sorts of rural activities such as small-scale horticulture or market gardening, or grazing of animals may occur in this Precinct, reflecting its more rural character. The Precinct is also characterised by more rural infrastructure with an absence of footpaths, streetlights and kerb and channel in these areas.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for activities in the SETZ - Settlement Zone, including:

- **Overlay Chapters** – the Overlay Chapters have provisions in relation to Historic Heritage; Notable Trees; Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Natural Features and Landscapes; Natural Character and the Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.⁷
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the General Residential Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.

⁷ Forest and Bird (S560.370 and S560.0543)

- **Natural Hazards** - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the General Residential Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.
- **Natural Character and Margins of Waterbodies** - in some locations areas of General Residential Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.
- **Ecosystems and Biodiversity** – Where indigenous vegetation clearance is proposed within a Residential Zone, the provisions of the Ecosystems and Biodiversity chapter apply
- **General District Wide Matters** - provisions in relation to earthworks in particular may be relevant to many activities.
- **Subdivision** - The Subdivision chapter sets out the requirements for subdivision activities the SETZ - Settlement Rural Zone.
- **Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators.

Relationship with Other Plans

Many activities that occur in rural areas are also regulated by the West Coast Regional Council through Regional Plans, including the Regional Land and Water Plan, Regional Air Plan and Regional Coastal Plan. When planning to undertake an activity, the status under the relevant Regional Plans should also be confirmed and any necessary resource consents applied for under both Plans.

Note with Regard to Plantation Forestry

There are no specific provisions as relate to plantation forestry within the RURZ - Rural Zone Chapters. This is because plantation forestry is principally regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017. Exceptions to this occur in the Overlay Chapters and where forestry activities are proposed these chapters must be considered.

Settlement Zone Rules

Permitted Activities

SETZ - R1

Residential Activities and Residential Buildings - Density

Activity Status Permitted

Where:

1. Residential unit density is no more than:
 - i. 1 unit per site where these were lawfully established under the previous Buller, Grey or Westland District Plans; otherwise⁸
 - ii. 1 unit per 500m² net site area in areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems, except that:
 - a. where smaller sites were lawfully established under the previous Buller, Grey or Westland District Plan then the residential unit density is one residential unit per site; or
 - iii. 1 unit per 1000m² net site area in areas where there is on site servicing of wastewater, water supply and stormwater systems; except
 - iv. In the SETZ - PREC4 - Rural Residential Precinct residential unit density is 1 unit per 4000m² net site area;
2. Where the settlement is serviced by a network utility operator for wastewater, water supply or stormwater and provided there is capacity⁹ all residential units and buildings used for a residential activity must be connected to the community wastewater, water supply and stormwater infrastructure;
3. Where the settlement is not serviced by a network utility operator for wastewater, water supply or stormwater on site collection, treatment and disposal must be undertaken in accordance with NZS4404:2010 Land Development and Subdivision Infrastructure or the relevant Council Engineering Technical Standards

Activity status where compliance not achieved: Discretionary

⁸ Marie Elder (S352.002), Davis Ogilvie & Partners Ltd (S465.028), Cashmere Bay Dairy Ltd (S461.002) and Davis Ogilvie & Partners Ltd (S465.026)

⁹ Buller District Council (S538.553), Chris & Jan Coll (S558.592), Chris J Coll Surveying Limited (S566.592), Laura Coll McLaughlin (S574.592) and William McLaughlin (S567.629)

SETZ - R2 Buildings and Sites - Design

Activity Status Permitted

Where:

1. The maximum height above ground level for buildings is:
 - i. 10m for residential, [visitor and worker accommodation](#) buildings and Emergency Service Facilities and 7m for accessory buildings; except
 - ii. No building, structure or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine;
 - iii. 7m for buildings in the SETZ - PREC3 - Coastal Settlement Precinct [and 10m in Punakaiki](#); and
 - iv. 12m for buildings in the SETZ - PREC2 - Settlement Centre Precinct [in the Grey and Westland Districts and 10m in the Buller District](#)¹⁰;
2. The maximum site coverage is:
 - i. 40%; except
 - ii. Maximum site coverage is 60% in the SETZ - PREC2 - Settlement Centre Precinct
 - iii. [Maximum site coverage is 50% in the SETZ – PREC3 – Coastal Settlement Precinct in Punakaiki](#)
3. The maximum gross ground floor area of any one building
 - i. Is 350m²; except
 - ii. In the SETZ - PREC3 - Coastal Settlement Precinct, [except Punakaiki](#), the gross ground floor area is a maximum of 200m² total for all buildings on the site.
4. Buildings are setback from boundaries as follows:
 - i. 5m from the road and any GRUZ - General Rural or INZ Industrial Zone boundary and 1m from internal boundaries; except
 - ii. In the SETZ - PREC4 - Rural Residential Precinct all buildings are setback 10m from road boundaries, residential buildings are setback 10m from the internal boundaries and non-residential buildings [and accessory buildings](#)¹¹ are setback 5m from internal boundaries;
 - iii. In the SETZ - PREC2 - Settlement Centre Precinct no setback from the road boundary is required where there is a verandah provided over an adjacent footpath; [and](#)
 - iv. [No building housing sensitive activities shall be located within 150m of a Designated community wastewater treatment facility site boundary](#)¹²
5. In the Kumara Junction Developments area:
 - a. A minimum 5m wide buffer strip of indigenous vegetation is to be retained on all boundaries. Native species will be retained or planted to ensure that, at maturity, buildings will be screened from the road and neighbouring allotments;
 - b. A maximum of 2000m² indigenous vegetation in total is allowed to be cleared from each site; and
 - c. Development will be in accordance with the Outline Plan set out in the Development Areas section of the Plan;
6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing~~¹³. This standard does not apply to:
 - i. Road boundaries;
 - ii. Buildings on adjoining sites that have a common wall along the boundary;
 - iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
 - iv. Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ – Industrial, [Open Space Zone](#) or GRUZ General Rural Zone;
 - v. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
 - vi. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically;

¹⁰ Buller District Council (S538.554)

¹¹ Grey District Council (S608.119)

¹² Buller District Council (S538.554)

¹³ Buller District Council (S538.554)

7. Vehicle crossing standards in Rule TRN – R1 are met¹⁴

Advice Notes:

1. In relation to indigenous vegetation clearance in Kumara Junction developments and Standard 5. it should be noted that indigenous vegetation clearance provisions in the Ecosystems and Biodiversity Chapter also apply;
2. Where a residential building or noise sensitive activity is located within:
 - i. 80m of a State Highway with a speed limit of 70kph or greater; or
 - ii. 40m of a State Highway with a speed limit of less than 70kph; or
 - iii. 40m of a Railway Line; or
 - iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
 - v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.

3. Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.
4. Where building height and/or recession plane rules apply, they shall be measured from existing ground level or where subject to a flood or coastal hazard overlay, they shall be measured from the level specified on a minimum floor level certificate, whichever is the higher.

Activity status where compliance not achieved: Discretionary where standards 1-4 are not complied with.
Restricted Discretionary where standards 5-6~~7~~ are not complied with.

SETZ - R3 Building Design in the Coastal Settlement Precinct except Punakaiki

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R1 and R2 are complied with;
2. New buildings are no more than ~~100~~ 150¹⁵ m² in ground floor area and additions to existing buildings add up to no more than 50m² ground floor area.

Activity status where compliance not achieved: Restricted Discretionary

SETZ - R4 Papakāinga Developments

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R2 are complied with however units are able to be clustered¹⁶;
2. Where developments are in the SETZ - PREC3 - Coastal Settlement Precinct all standards for Rule SETZ - R3 are complied with;
3. In areas not serviced by reticulated wastewater, stormwater and water supply:
 - i. The average residential building density is no more than one unit per 1000m² net site area, ~~although units can be clustered~~; and
 - ii. On-site wastewater, water supply and stormwater systems are developed to serve the entire papakāinga;
4. In areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems the average residential building density is no more than one unit per 500m² net site area¹⁷

Advice Note:

Where a residential building or noise sensitive activity is located within:

- i. 80m of a State Highway with a speed limit of 70kph or greater; or
- ii. 40m of a State Highway with a speed limit of less than 70kph; or
- iii. 40m of a Railway Line; or
- iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
- v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Discretionary

¹⁴ Waka Kotahi (S450.283)

¹⁵ Buller District Council (S538.555), Chris & Jan Coll (S558.598), Chris J Coll Surveying Limited (S566.598), William McLaughlin (S567.634) and Laura Coll McLaughlin (S574.598)

¹⁶ Ngāi Tahu (S620.403)

¹⁷ Ngāi Tahu (S620.248)

SETZ - R5 Agricultural, Horticultural and Pastoral Activities, Recreational Activities and Conservation Activities

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
2. The activity does not include:
 - a. Intensive indoor primary production;
 - b. The storage and disposal of solid or liquid animal waste not generated on the site;
 - c. Woodlots;
 - d. Stock sale yards; or
 - e. Farm quarries
3. ~~Shelters and buildings used to house or feed poultry or pigs must be setback at least 30m from any boundary~~¹⁸. ~~Performance standards for poultry farming and pig keeping apply as follows:~~
 - i. ~~For poultry setbacks of 10m from any residential building and 2m from the site boundary;~~
 - ii. ~~For pig keeping setbacks of 50m from any residential building and 100m for any shelter holding 4 or more pigs; and~~
4. Performance standards for beekeeping in the Westland District apply as follows:
 - i. No bees may be kept on a property less than 600m² net site area;
 - ii. Beehives must be placed with an obstruction in front of them or be elevated to ensure all bees are able to be 2.5m above ground level prior to crossing the site boundary; and
 - iii. A water source for bees must be provided and maintained on the property.

Advice Note:

If land is used for disposal of effluent or solid waste then there may be rules in the Regional Air Plan and Regional Land and Water Plan administered by West Coast Regional Council that apply.

Activity status where compliance not achieved: Discretionary

SETZ - R6 Minor Structures

Activity Status Permitted

Where:

1. ~~All standards for Rule SETZ - R2 are complied with~~¹⁹. Structures are set back;
 - i. 5m from the road and any GRUZ - General Rural or INZ Industrial Zone boundary and 1m from internal boundaries; except
 - ii. In the SETZ - PREC4 - Rural Residential Precinct all buildings are setback 10m from road boundaries, residential buildings are setback 10m from the internal boundaries and non-residential buildings and accessory buildings are setback 5m from internal boundaries;
 - iii. In the SETZ - PREC2 - Settlement Centre Precinct no setback from the road boundary is required where there is a verandah provided over an adjacent footpath
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height;
5. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Controlled

SETZ - R7 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

Activity status where compliance not achieved: Discretionary

¹⁸ Buller District Council (S538.556)

¹⁹ Buller District Council (S538.557)

SETZ - R8 Relocated Buildings

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed and built to be and²⁰ used as a dwelling;
3. A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the reinstatement works shall be completed within a 12 month period;
4. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and
5. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.

Activity status where compliance not achieved: Controlled

SETZ - R9 Home Business

Activity Status Permitted

Where:

1. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
2. There is no limit to hours of operation in the SETZ - PREC2 - Settlement Centre Precinct;
3. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to:
 - i. 7am-10pm weekdays and 8am - 8pm weekends and public holidays;
 - ii. Except where:
 - a. The entire activity is located within a building;
 - b. Each person engaged in the activity outside the above hours resides permanently on site; and
 - c. There are no visitors, customers or deliveries to the activity outside of the above hours.
4. Outside of the SETZ - PREC2 - Settlement Centre Precinct, there is no more than one full time equivalent person engaged in the home business that resides off site;²¹
5. No external storage of products except those associated with residential use shall be visible from any SETZ - Settlement Zoned property or adjoining public place;
6. No external generation of dust, odour or smoke occurs as part of the activity; and
7. A maximum of 10 heavy vehicle movements per day and ~~whichever is the greater of~~ ²²30 light vehicle movements per day ~~or and~~ 210 light vehicle movements per week.

Activity status where compliance not achieved: Discretionary

SETZ - R10 Residential Visitor Accommodation

Activity Status Permitted

Where:

1. This is ancillary to a residential or conservation activity;
2. All standards for Rule SETZ - R1 and R2 and in the SETZ - PREC3 - Coastal Settlement Precinct Rule SETZ - R3 are complied with;
3. There is a maximum of 6 paying guests at any one time;
4. Written notification to the District Council is required 10 working days prior to the activity commencing;
5. Records of letting activity must be kept and provided to the Council ~~on request~~ annually²³;
6. No heavy vehicle movements are generated; and

²⁰ New Zealand Heavy Haulage Association Inc (S616.009)

²¹ Buller District Council (S538.559)

²² Waka Kotahi (S450.286)

²³ Grey District Council (S608.120)

7. In the Buller and Westland²⁴ Districts the accommodation is homestay accommodation with a permanent resident living on site.

Advice Notes:

1. Compliance with the Building Code is required for any use of residential property for visitor accommodation. Written notice to the relevant Council Building Compliance Team must be provided and a Building Consent may also be required.
2. In the Buller District, where residential visitor accommodation has been lawfully established under the Buller District Plan provisions, then existing use rights apply.
3. This rule does not apply to Residential Visitor Accommodation in the Settlement Centre Precinct - refer to Rule SETZ - R11.

Activity status where compliance not achieved: Restricted Discretionary

SETZ - R11 Visitor and worker Accommodation in the Settlement Zone in Barrytown, Settlement Centre Precinct, and Settlement Coastal Precinct in Punakaiki

Activity Status Permitted

Where:

1. All performance standards for Rule SETZ -R2 are complied with.

Advice Note:

- ~~1. All types of visitor accommodation are Permitted in the SETZ—PREC2—Settlement Centre Precinct including homestay, hosted short-term residential accommodation, hotels, motels, boarding houses and backpackers.~~
2. Where visitor accommodation is located within:
 - i. 80m of a State Highway with a speed limit of 70kph or greater; or
 - ii. 40m of a State Highway with a speed limit of less than 70kph; or
 - iii. 40m of a Railway Line; or
 - iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
 - v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Discretionary

SETZ - R12 Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes

Activity Status Permitted

Where:

1. All performance standards for Rule SETZ -R2 are complied with except that hose drying towers are exempt from height standards in all areas other than the Coastal Settlement Precinct;
2. A maximum of 10 heavy vehicle movements and the greater of 30 light vehicle movements per day or 210 light vehicle movements per week are generated; except:
 - a. No vehicle movement limit applies to:
 - i. Emergency Service Facilities;
 - ii. Community halls or Educational Facilities lawfully established at the time of notification of the Plan; or
 - iii. Activities within the SETZ - PREC2 Settlement Centre Precinct; and
 - b. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or adjoining public place.
3. Where the facility will be located within 1000m of the Cape Foulwind Radio New Zealand radiocommunications site, any hose drying or siren tower of a height greater than 10m must be certified by Radio New Zealand that the risk of Electromagnetic coupling with this structure has been mitigated²⁵

Advice Note:

Where a noise sensitive activity is located within:

- i. 80m of a State Highway with a speed limit of 70kph or greater; or
- ii. 40m of a State Highway with a speed limit of less than 70kph; or
- iii. 40m of a Railway Line; or
- iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

²⁴ Westland District Council (S181.045)

²⁵ Radio New Zealand (S476.042)

- v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Restricted Discretionary

SETZ - R13 Retail Activities

Activity Status Permitted

Where:

1. Performance standards for Rule SETZ - R2 are complied with;
2. The activity is located within a SETZ - PREC2 - Settlement Centre Precinct;
3. Where the activity is located outside of a SETZ - PREC2 - Settlement Centre Precinct, there is no SETZ - PREC2 - Settlement Centre Precinct or CMUZ Commercial or MUZ - Mixed Use Zone within 10km of the site;
4. The maximum combined floor and yard area for any retail activity is 250m²; and
5. The activity does not include:
 - i. Service stations;
 - ii. Car sales;
 - iii. Yard-based retail; and
 - iv. Drive through restaurants.
6. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to 7am-10pm weekdays and 8am - 8pm weekends and public holidays;
7. Outside of the SETZ - PREC2 - Settlement Centre Precinct there are a maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week generated by the activity;
8. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or adjoining public place; and
9. ~~No external generation of dust, odour or smoke occurs as part of the activity; and²⁶~~
10. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards;

Activity status where compliance not achieved: Discretionary

SETZ - R14 Commercial Activities other than Retail, Home Business or Visitor Accommodation

Activity Status Permitted

Where:

1. The activity does not occur in the SETZ - PREC3 - Coastal Settlement Precinct or the SETZ - PREC4 - Rural Residential Precinct;
2. Performance standards for Rule SETZ - R2 are complied with;
3. Outside of the SETZ - PREC2 - Settlement Centre Precinct, hours of operation are limited to: 7am-10pm weekdays and 8am - 8pm weekends and public holidays;
4. Outside of the SETZ - PREC2 Settlement Centre Precinct, a maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week;
5. No external storage of products except those associated with residential use shall be visible from any Settlement zoned property or public place; and
6. ~~No external generation of dust, odour or smoke occurs as part of the activity; and²⁷~~
7. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards.

Advice Note:

Where a noise sensitive activity is located within:

- i. 80m of a State Highway with a speed limit of 70kph or greater; or
- ii. 40m of a State Highway with a speed limit of less than 70kph; or
- iii. 40m of a Railway Line; or
- iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
- v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.

²⁶ Westland Farm Services (S550.018)

²⁷ Westland Farm Services (S550.019)

Activity status where compliance not achieved: Restricted Discretionary

SETZ - R15 Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

1. This is authorised under a prospecting or exploration permit from NZPAM;
2. Written notice is provided to the relevant District Council 10 working days prior to the work commencing;
3. Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred;
4. The site shall be rehabilitated generally to its original condition; and
5. All stripped material (including vegetation, soil and debris) is deposited or contained in such a manner that it does not enter any waterbody or cause the destruction of habitat.

Advice Notes:

1. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.
2. Mineral Prospecting and Mineral Exploration within the Pounamu and Aotea Overlays is subject to Rule SASM - R7.
3. The activity may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work which may affect waterbodies.

Activity status where compliance not achieved: Restricted Discretionary

SETZ - R16 Port Activities at Jackson Bay Port

Activity Status Permitted

Where:

1. These are undertaken on lots fronting The Esplanade as follows:
 - a. On legal road reserve between Mean High Water Springs and the edge of the road carriageway;
 - b. On the following lots:
 - i. Sections 208 and 209 TN OF Arawata; and
 - ii. Sections 8, 9 and 10 TN of Arawata;
2. Permitted Port Activities are limited to the following:
 - i. Cargo handling, including the loading, unloading, storage, processing and transit of cargo (including fish);
 - ii. Passenger handling, including the loading, unloading and transit of passengers including passenger or cruise ship terminals;
 - iii. Port administration;
 - iv. Facilities for recreational boating;
 - v. Activities associated with maritime navigation; and
 - vi. Ancillary buildings, structures, utilities, signs, parking, landscaping, offices and other facilities.
3. Maximum building size is 200m²;
4. Maximum building height is 5m;
5. Buildings must be setback 1m from the road and internal boundaries; and
6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary except where the neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing. This standard does not apply to:
 - i. Road boundaries;
 - ii. Buildings on adjoining sites that have a common wall along the boundary;
 - iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
 - iv. Boundaries adjoining any site in a CMUZ - Commercial and Mixed Use, INZ - Industrial or GRUZ - General Rural Zone;
 - v. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
 - vi. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Activity status where compliance not achieved: Discretionary

Controlled Activities

SETZ - R17 Minor Structures not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct;
2. The minor structure does not exceed 10m in height; and
3. All performance standards other than height for Rule STEZ - R2 are complied with.

Matters of control are:

- a. Design and location of structures; and
- b. Landscape measures.

Activity status where compliance not achieved: Discretionary

SETZ - R18 Relocated Buildings not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct; and
2. All performance standards Rule STEZ - R2 are complied with.

Matters of control are:

- a. Design and location of structures;
- b. Any requirement for financial contributions;
- c. Landscape measures; and
- d. Appearance of buildings.

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

SETZ - R19 Residential Buildings not meeting Building and Sites - Design Standards in Rule SETZ - R2

Activity Status Restricted Discretionary

Where:

1. The building projects into the 45 degree recession plane; or
2. The building is set back less than 1m from internal boundaries or 10m from internal boundaries in the Rural Residential Precinct; and
3. All other performance standards for Rule SETZ - R2 are complied with.

Discretion is restricted to:

- a. Design and location of buildings;
- b. Size and height of buildings;
- c. Any requirement for financial contributions;
- d. Design and location of parking and access; and
- e. Landscape measures;
- f. Shading and loss of sunlight to adjoining sites;²⁸
- g. Loss of privacy to adjoining sites; and
- h. Character and amenity of the surrounding area

Activity status where compliance not achieved: Discretionary

SETZ - R20 Buildings in the SETZ - PREC2 - Coastal Settlement Precinct not meeting Building Design Requirements in SETZ - R3

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule SETZ - R1 - and R2 are complied with.

Discretion is restricted to:

- a. Design, size, height and location of buildings;
- b. Design, size and location of parking and access;

²⁸ Buller District Council (S538.568)

- c. Any requirement for financial contributions;
- d. Retention of existing vegetation;
- e. Volume and location of earthworks; and
- f. Landscape measures.

Activity status where compliance not achieved: Discretionary

SETZ - R21 Residential Visitor Accommodation not meeting Rule STEZ - R10

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule SETZ - R1 - and R2 are complied with.

Discretion is restricted to:

- a. Number of visitors staying on site;
- b. Number of days of use for the visitor accommodation;
- c. Management of traffic and parking;
- d. Landscape measures;
- e. Any impacts on the production values of the surrounding land;
- f. Any requirement for financial contributions;
- g. Effects on visual amenity and rural character; and
- h. Methods of wastewater treatment and disposal; and
- i. Loss of privacy to adjoining sites.²⁹

Activity status where compliance not achieved: Discretionary

SETZ - R21~~2~~ Community Facilities, Educational Facilities, Emergency Service Facilities and Retirement Homes not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Design and location of buildings;
- b. Size and height of buildings;
- c. Vehicle movements and access;
- d. Design and location of parking and access;
- e. Landscape measures;
- f. Any requirement for financial contributions;
- g. Methods of water supply, wastewater and stormwater treatment and disposal;
- h. Hours of operation; and
- i. Acoustic and noise management requirements;
- j. Loss of privacy to adjoining sites;³⁰ and
- k. Character and amenity of the surrounding area

Notification:

Applications for community facilities will always be limited notified to adjacent neighbours and may be publicly notified.

Activity status where compliance not achieved: N/A

SETZ - R22~~3~~ Rural Industry

Activity Status Restricted Discretionary

Where:

1. This is not in the SETZ - PREC3- Coastal Settlement Precinct;
2. There is no INZ - Industrial Zoned site of sufficient size to accommodate the activity within 10km of the proposed site; and
3. All performance standards for Rule SETZ - R2 are complied with.

Discretion is restricted to:

- a. Design and location of buildings;
- b. Design and location of parking and access;
- c. Landscape measures;
- d. Hours of operation;
- e. Vehicle movements;

²⁹ Buller District Council (S538.570)

³⁰ Buller District Council (S538.571)

- f. Any requirement for financial contributions;
- g. Methods of water supply, wastewater and stormwater treatment and disposal;
- h. Management of odour, noise, light and dust; and
- i. Acoustic and noise management requirements.

Activity status where compliance not achieved: Discretionary

SETZ - R234 Mineral Prospecting and Exploration not meeting Permitted Activity Standards and Mineral Extraction Activities

Activity Status Restricted Discretionary

Where:

1. The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site, or a Site or Area of Significance to Māori, or an area of High or Outstanding Coastal Natural Character [refer to the relevant Overlay Chapter rules in relation to activities in these areas].

Discretion is restricted to:

- a. Management of access, parking, traffic generation and transport of minerals from the site;
- b. Noise, glare, light, dust, blasting and vibration management;
- c. Hours of operation;
- d. Hazardous substances and waste management;
- e. Historic and cultural heritage requirements;
- f. Extent and design of earthworks and indigenous vegetation clearance;
- g. Effects on any threatened fauna and flora or their habitats;
- h. Design and location of ancillary buildings, structures and infrastructure;
- i. Landscape measures;
- j. Maintaining public access;
- k. Effects on riparian margins and water quality;
- l. Monitoring, reporting and community liaison requirements;
- m. Financial contributions and any requirement for bonds; and
- n. Site rehabilitation and mine closure requirements.

Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM - R7.

Activity status where compliance not achieved: Refer to relevant Overlay Chapter rules where the activity will occur in these areas.

SETZ – RXXXX Fences Walls and Retaining Walls not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Design and location of structures
- b. Height of structures
- c. Shading and dominance effects on adjoining sites

Discretionary Activities

SETZ - R245 Residential Activities and Residential Buildings, Buildings and Sites - Design, Conservation, Recreational, Agricultural, Horticultural and Pastoral Activities, Papakāinga Developments, Minor Structures, Fences, Walls and Retaining Walls³¹, Relocated Buildings and Buildings not meeting Permitted or Restricted Discretionary Activity Rules in relation to Performance Standards in Rules SETZ - R1 or SETZ - R2 or SETZ - R4

Activity Status Discretionary

Activity status where compliance not achieved: N/A

SETZ -R256 All Activities and Buildings, Papakāinga, Minor Structures, Fences, Walls and Retaining Walls and Port Activities at Jackson Bay Port in the Coastal Settlement Precinct not meeting Permitted, Controlled or Restricted Discretionary Activity Rules

Activity Status Discretionary

Where:

1. This is not Industrial Activity subject to Rule SETZ - R27.

Activity status where compliance not achieved: Non-complying

³¹ Frank and Jo Dooley (S478.036, S478.042) and Frank O'Toole (S595.024)

SETZ -R267 Home Business, Retail Activities, Commercial Activities and Residential Visitor Accommodation not meeting Permitted, Controlled or Restricted Discretionary Activity Rules Activity Status Discretionary
Activity status where compliance not achieved: N/A

SETZ -R278 Industrial Activities not meeting Rule SETZ - R22 Activity Status Discretionary

Where:

1. This is not located in the SETZ - PREC3 - Coastal Settlement Precinct;
2. There is no INZ - Industrial Zoned site of suitable size to accommodate the activity within 10km of the proposed site.

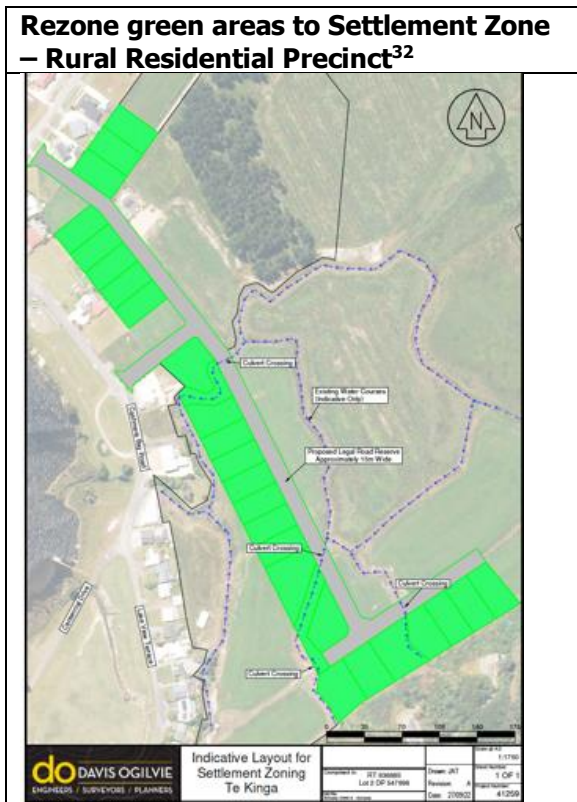
Activity status where compliance not achieved: Non-complying

Non-complying Activities

SETZ - R289 Any activity not provided for by another Rule in the zone Activity Status Non-complying
Activity status where compliance not achieved: N/A

Amendments to the Planning Maps

- Rezone part of Lot 2 DP 547998 at Te Kinga to Settlement Zone as per the map below:



³² Te Kinga Investments Ltd (S598.001)