

Te Tai o Poutini Plan Section 42A Officer's Report Outstanding Matters



Te Tai o Poutini
PLAN

A combined district plan for the West Coast

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List of Submitters and Further Submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
S580	Alvin & Kay Godfrey	
S575	Amanda Jenkins	
S582	Anna & Jeremy Hart	
S208	Barry Mason	
S601	Birchfield Coal Mines Ltd	
S604	Birchfield Ross Mining Limited	
<i>FS237</i>	<i>Brian Anderson</i>	
S603	BRM Developments Limited	
<i>FS224</i>	<i>Buller Conservation Group</i>	
S564	Catherine Smart-Simpson	
S589	Charmaine Michell	
S558	Chris & Jan Coll	
S566	Chris J Coll Surveying Limited	
S465	Davis Ogilvie & Partners Ltd	
S570	Dean Van Mierlo	
S602	Department of Conservation	
S314	Erin Stagg	
S478	Frank and Jo Dooley	
S595	Frank O'Toole	
FS223	Frida Inta	
S563	Geoff Volckman	
<i>FS1</i>	<i>Grey District Council</i>	
<i>FS53</i>	<i>Herenga ā Nuku Aotearoa, Outdoor Access Commission</i>	
<i>FS33</i>	<i>Inger Perkins</i>	
S565	Joel and Jennifer Watkins	
<i>FS44</i>	<i>John Caygill</i>	
S529	John Thorpe	
S442	KiwiRail Holdings Limited	Kiwirail
S574	Laura Coll McLaughlin	
<i>FS100</i>	<i>Laurence McGuire</i>	
S587	Linda Elcock	
S446	Margaret Montgomery	
S352	Marie Elder	
S588	Marty & Nicky Von Ah	
<i>FS218</i>	<i>Mike Spruce</i>	
S151	Misato Nomura	
S191	Newcoast Resources Limited	
<i>FS127</i>	<i>New Zealand Energy Limited</i>	
S496	O'Connor Crossroads Limited	
S500	Papahaua Resources Limited	
S605	Paparoa Track Services Ltd, Craig and Sue Findlay, Tim Findlay, Punakaiki Beach Camp Ltd	Paparoa Track Services
S434	Patrick Cooper	
S590	Paula Jones	
<i>FS88</i>	<i>PE Property Trust</i>	
S600	Phil and Helen Cook	

S606	Phoenix Minerals Limited	
<i>FS216</i>	<i>Robyn Langridge</i>	
S560 <i>FS34</i>	Royal Forest and Bird Protection Society of New Zealand Inc.	Forest & Bird
S584	Steve and Anne Staples	
<i>FS35</i>	<i>Susan Hall</i>	
S586	Tane & Rachel Little	
S190	Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	Te Mana Ora
<i>FS41</i>	<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>Ngāi Tahu</i>
S493	TiGa Minerals and Metals Limited	
<i>FS63</i>	<i>Tom McGaveston</i>	
S528	Trevor Thorpe	
S450	Waka Kotahi NZ Transport Agency	Waka Kotahi
S302	West Coast Fish and Game Council	
<i>FS133</i>	<i>Westport Pistol Club Incorporated Society</i>	
<i>FS99</i>	<i>Westport Rifle Club Incorporated</i>	
S547 <i>FS222</i>	Westpower Limited	
S607	Whyte Gold Limited	
S567	William McLaughlin	

Abbreviations

Abbreviation	Meaning
Planning standards	National Planning Standards
RMA	Resource Management Act
TTPP	Te Tai o Poutini Plan
WCRC	West Coast Regional Council

1.0 Purpose of Report

1. This report has been prepared in accordance with Section 42A of the RMA to:
 - assist the Hearings Panel in making their decisions on the submissions and further submissions on the Te Tai o Poutini Plan (TTPP); and
 - provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
2. This report responds to submissions points that have been missed in error, generally due to being assigned to the wrong s42A report, or have not fitted with another topic covered by previous s42A report. The report therefore provides the Hearing Panel with a summary and analysis of these missed submissions received on most parts of the Plan. The report makes recommendations on either retaining the TTPP provisions without amendment or making amendments to the TTPP in response to those submissions.
3. The recommendations are informed by evaluation undertaken by me as the planning author. In preparing this report I have had regard to the s42A reports prepared for each of the topics which are relevant to the submissions points.
4. The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

2.0 Qualifications and experience.

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

2.1 Code of Conduct

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

2.2 Conflict of Interest

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

3.0 Scope of Report and Topic Overview

3.1 Scope of Report

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

3.2 Topics Covered in this Report

16. This report includes submissions in relation to the provisions outlined in the table below. For a topic overview and outline of the strategic and regulatory direction, I refer the reader to the relevant s42A report, and do not repeat this information again here.

Provision where there are submissions covered in this report	S42A topic report
Whole Plan	Introduction and General Provisions
Overview Statements	All Topics
Definition Infrastructure	Energy Infrastructure and Transport
Definition - Development	Subdivision, Financial Contributions and Public Access
Definition – Approved Building Platform	General District Wide Matters
Subdivision Policies and Rules	Subdivision, Financial Contributions and Public Access
Mineral Extraction	Mineral Extraction
Planning Maps – high natural character overlay	Coastal Environment
General Rural Zone – Rules, Planning Maps	Rural Zones
Open Space Zone Rules	Open Space Zones

4.0 Statutory Requirements.

17. TTPP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand Coastal Policy Statement (NZCPS), national planning standards; and any regulations¹. Regard is also to be given to the West Coast Regional

Policy Statement (WCRPS), any regional plan, district plans of adjacent territorial authorities, and the Iwi Management Plans.

18. In addition, there is a Mana Whakahono a Rohe agreement between West Coast Regional Council and Poutini Ngāi Tahu which must be implemented.
19. As set out in the Section 32 and Section 42A Overview Reports, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of TTPP. Refer to the relevant topic report for more detailed discussion of the statutory direction.

4.1 Procedural Matters

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

5.0 Consideration of Submissions Received

5.1 Overview of Submissions Received

21. A total of 91 submissions points and 39 further submissions are considered in this report. These were almost all allocated to the wrong topic so missed from the s42A reporting. The majority of these submissions points seek that various provisions within the Plan as notified are retained.
22. The remaining submissions points seek amendments to various other parts of the objectives, policies, rules and maps of the Plan.

5.2 Structure of this Report

23. This report deals first with the submissions on the Whole Plan, Strategic Direction and Definitions, then those of Te Mana Ora on the Overview sections of multiple chapters. This is followed by each group of submissions points by s42A topic in order as they appear within the Plan

6.0 Submissions on the Whole Plan, Strategic Direction and Definitions

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Submissions on Plan Overlays			
Misato Nomura (S151)	S151.006	Amend	To combine or delete some of the overlays present.
KiwiRail Holdings Limited (S442)	S442.096	Amend	Amend the Proposed District Plan Maps to remove any overlays for; Outstanding Natural Features; Outstanding Natural Landscapes; and Outstanding Natural Character On KiwiRail's designation (as listed under "KRH1 KiwiRail Holdings Limited").
<i>Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu</i>	<i>FS41.001</i>	<i>Oppose</i>	<i>Disallow</i>
Submissions Seeking Alternative and Consequential Relief			
TiGa Minerals and Metals Limited (S493)	S493.001	Neutral	Alternative, consequential, or necessary additional relief to give effect to the matters raised generally in this submission.
<i>Mike Spruce</i>	<i>FS218.006</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Frida Inta</i>	<i>FS223.016</i>	<i>Oppose</i>	<i>Not stated</i>

<i>Buller Conservation Group</i>	<i>FS224.016</i>	<i>Oppose</i>	<i>Not stated</i>
<i>Robyn Langridge</i>	<i>FS216.001</i>	<i>Oppose</i>	<i>Disallow</i>
<i>John Caygill</i>	<i>FS44.1</i>	<i>Oppose</i>	<i>Disallow</i>
John Caygill	FS44.3	Oppose	Disallow
Birchfield Coal Mines Ltd (S601)	S601.001	Neutral	Alternative, consequential, or necessary additional relief to give effect to the matters raised generally in this submission.
BRM Developments Limited (S603)	S603.001	Neutral	Alternative, consequential, or necessary additional relief to give effect to the matters raised generally in this submission.
Birchfield Ross Mining Limited (S604)	S604.001	Neutral	Alternative, consequential, or necessary additional relief to give effect to the matters raised generally in this submission.
Paparoa Track Services Ltd, Craig and Sue Findlay, Tim Findlay, Punakaiki Beach Camp Ltd (S605)	S605.001	Neutral	Alternative, consequential, or necessary additional relief to give effect to the matters raised generally in this submission.
Phoenix Minerals Limited (S606)	S606.001	Neutral	Alternative, consequential, or necessary additional relief to give effect to the matters raised generally in this submission.
Whyte Gold Limited (S607)	S607.001	Neutral	Alternative, consequential, or necessary additional relief to give effect to the matters raised generally in this submission.
O'Connor Crossroads Limited (S496)	S496.003	Amend	Any other consequential amendments to give effect to the rezoning request
<i>Westport Rifle Club Incorporated</i>	<i>FS99.007</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Westport Pistol Club Incorporated Society</i>	<i>FS133.007</i>	<i>Oppose</i>	<i>Disallow</i>
Frank O'Toole (S595)	S595.031	Amend	Any consequential amendments to give effect to the relief sought above.
<i>Tom McGaveston</i>	<i>FS63.1</i>	<i>Support</i>	<i>Allow</i>
Catherine Smart-Simpson (S564)	S564.001	Amend	Amend any related or relevant provisions in our plan
Dean Van Mierlo (S570)	S570.010	Amend	Further, alternative or consequential relief as may be appropriate to give effect to this submission.
William McLaughlin (S567)	S567.002	Amend	Consequential amendment to any other related provisions in the plan touched on in our submission and/or concerning our submission or relevant.
Joel and Jennifer Watkins (S565)	S565.018	Amend	Any alternative, consequential, or necessary additional relief to give effect to the matters raised generally in this submission.

Geoff Volckman (S563)	S563.169	Amend	Amend any other related provisions in the plan necessary to give effect to the submission
Chris & Jan Coll (S558)	S558.002	Amend	Consequential amendment to any other related provisions in the plan touched on in our submission and/or concerning our submission or relevant.
Laura Coll McLaughlin (S574)	S574.002	Amend	Consequential amendment to any other related provisions in the plan touched on in our submission and/or concerning our submission or relevant.
Frank and Jo Dooley (S478)	S478.043	Amend	Any consequential amendments to give effect to the relief sought above.
West Coast Fish and Game Council (S302)	S302.008	Amend	Fish and Game seeks such further, alternative or consequential relief as may be appropriate to give effect to this submission.
<i>Royal Forest & Bird Protection Society of NZ Inc. (Forest & Bird)</i>	<i>FS34.001</i>	<i>Support</i>	<i>Allow</i>
<i>Herenga ā Nuku Aotearoa, Outdoor Access Commission</i>	<i>FS53.27</i>	<i>Support</i>	<i>Allow</i>
Definitions			
Westpower Limited (S547)	S547.018	Amend	Amend definition of Approved Building Platform by adding, "means a building platform approved by building consent <u>or otherwise allowed under the Building Act or Regulations</u> , resource consent ...
Waka Kotahi NZ Transport Agency (S450)	S450.007	Support in part	Amend the definition of Reverse Sensitivity as follows: Means the potential for an approved (<u>whether by resource consent, designation, or certificate of compliance</u>), existing or permitted activity.....
Terminology across the Plan			
Department of Conservation (S602)	S602.011	Oppose	Amend references to significant values and areas where there is inconsistency throughout the Plan, and particularly where these relate to Schedules, Overlays, and SNAs.
<i>Susan Hall</i>	<i>FS35.8</i>	<i>Support</i>	<i>Allow</i>
Approach to Recession Planes across the Plan			
Davis Ogilvie & Partners Ltd (S465)	S465.032	Amend	Apply a more consistent approach to recession planes across the plan.

Analysis

24. Misato Nomura (S151.006) seeks that there be a reduction in overlays with some being combined or deleted. I do not support the idea of deleting overlays because there are too many. TTPP covers the entire West Coast Region, with three districts, and a very wide range of environments, land uses and specific activities. It is also required to meet the National Planning Standards which set minimum requirements around how some matters are managed and mapped. It is undoubtedly a more complex document, with more overlays than the operative plans. However these Plans do not all, for example,

include Outstanding Natural Landscapes, Outstanding Natural Features, Significant Natural Areas, the Coastal Environment, Sites of Significance to Māori or identify many Natural Hazards. These matters are all required to be addressed through TTPP and to meet the requirements of the RMA. The way in which the National Planning Standards direct Councils to manage these matters is through overlays. In the interests of natural justice it is important that these overlays are mapped, so that landowners can understand what provisions affect them.

25. However I note that. there are recommendations for some overlays to be deleted in the Natural Hazard s42A report – the Flood Plain Overlay, Coastal Tsunami and Lake Tsunami Hazard Overlays.
26. Therefore I support this submission in part in that I support the deletion of overlays where these have been recommended by the s42A authors for the reasons outlined in their reports.
27. Kiwirail (S442.096) seek that all outstanding natural features, outstanding natural landscapes and outstanding natural character overlays be removed from land under Kiwirail's designation. I do not support this submission. The overlays relate to the location of a specific feature, and in some instances this feature occurs within the Kiwirail designation. This is because in many locations the designation is much wider than the railway line working area and includes land that is bush covered and has associated values. The overlays are not related to land ownership but the presence of the actual feature or value. I note that Kiwirail have a Designation over the railway corridor and that work done within the framework of this Designation does not require resource consent.
28. Eighteen submitters have specifically sought alternative or consequential relief for their submissions. These submitters have wide ranging submissions which have been split into a range of submissions points allocated to a range of different topics. Where there is alternative relief that the s42A report author has been able to identify as appropriate, this has been provided for and specific submissions points accepted in part. To the extent that this has occurred, I support these submissions in part, but propose no additional amendments to the Plan in response to these submissions.
29. Westpower (S547.018) seek that the definition of Approved Building Platform be amended to reflect that network utility buildings may not require a building consent under some circumstances. They seek that it be amended to include as follows "means a building platform approved by building consent or otherwise allowed under the Building Act or Regulations, resource consent ..". I support this submission and consider the wording proposed is appropriate.
30. Waka Kotahi (S450.007) seeks that the definition of Reverse Sensitivity is amended to refer to the activity being approved by resource consent, designation or certificate of compliance. I support this submission in part. The definition of Reverse Sensitivity was considered in the Introduction and General Provisions s42A report and is recommended to refer to "lawfully established" rather than "approved" activities. This cross references to the definition of lawfully established which refers specifically to resource consents and designations within the definition. I therefore do not consider further amendment to the definition is required.
31. Department of Conservation (S602.011) seek that references to significant values and areas are amended where there is inconsistency throughout the Plan and particularly where these relate to Schedules, Overlays and SNAs. I support this submission in part in that the submitter, and others, have sought amendments to specific policies and provisions around how schedules and overlays are referred to and amendments to the Plan are recommended as a response. I do not propose further amendment to the Plan in response to this submission.
32. Davis Ogilvie & Partners Ltd (S465.032) seek that a more consistent approach to recession planes is applied across the plan. This submitter notes that "some zones apply recession planes to adjoining RESZ Residential and SETZ Settlement zones; some state RESZ Residential only; the NCZ Neighbourhood Centre Zone refers to "residential site boundary"; and others apply recession planes to all site boundaries. The two Industrial zones also differ in the application of recession planes."

33. I support this submission. The table below outlines the recession plane requirements in each of the zones as notified with any amendments recommended in the s42A reports.

Zone	Zones Against Which Recession Planes are Required
Industrial Zones	
General Industrial	Any RESZ – Residential Zone, OSZ – Open Space Zone, SARZ – Sport and Recreation Zone or MUZ – Mixed Use Zone
Light Industrial	Any RESZ – Residential Zone, OSZ – Open Space Zone, SARZ – Sport and Recreation Zone or MUZ – Mixed Use Zone or SETZ – Settlement Zone
Commercial and Mixed Use Zones	
Commercial	Any site boundary
Mixed Use	Any RESZ – Residential Zone boundary
Town Centre	Any RESZ – Residential Zone boundary
Neighbourhood Centre	Any residential site boundary
Residential Zones	
General Residential	Any site boundary
Large Lot Residential	Any site boundary
Medium Density Residential	Any site boundary
Rural Zones	
General Rural	No recession planes applied
Rural Lifestyle	No recession planes applied
Settlement	Any site boundary
Special Purpose Zones	
Airport	No recession planes applied
Buller Coalfield	No recession planes applied
Future Urban	No recession planes applied
Hospital	Any site boundary
Mineral Extraction	No recession planes applied
Māori Purpose	No recession planes applied
Port	Any site boundary -notified plan Any RESZ – Residential Zone boundary – s42A author recommendation
Stadium	Any site boundary
Scenic Visitor	Any site boundary
Open Space and Recreation Zones	
Open Space Zone	Any RESZ – Residential Zone and SETZ - Settlement Zone
Sport and Recreation Zone	Any RESZ – Residential Zone and SETZ - Settlement Zone
Natural Open Space Zone	Any RESZ – Residential Zone and SETZ - Settlement Zone

34. Reviewing where the recession planes have been applied, and considering the reporting on this during the development of the Plan, I conclude that the following principles have been intended but not necessarily applied correctly in all circumstances:

- Recession planes are applied in urban and settlement situations, and are not required in rural locations.
- Recession planes are put in place to protect amenity (from shading) in RESZ – Residential, SETZ – Settlement and OSRZ – Open Space and Recreation Zones
- Because the Port and Industrial Zones abut the Mixed Use Zone – which is expected to contain residential dwellings in the future, recession planes against this zone are also required

- Mixed Use, Town Centre and Neighbourhood Zones only have a requirement for setbacks against Residential Zones. A similar principle applies between the Scenic Visitor Zone (a type of special purpose commercial zone) and the Settlement Zone (which is the zone where residential development abuts the Scenic Visitor Zone).
- Because of the potential bulk of buildings in Commercial Zones, and their widespread locations across the West Coast, recession planes against Open Space and Recreation Zones, the Mixed Use Zone and Settlement Zone are also required. A similar principle applies to the urban and settlement Special Purpose Zones where large bulky buildings are provided for as a Permitted Activity.
- Within the RESZ – Residential Zones and SETZ – Settlement Zones, recession planes have been applied against all site boundaries, in order to reduce shading of adjacent properties and footpaths across the zone

35. In light of the analysis I consider that there are errors and inconsistencies in how the recession plane principles above have been applied in: the General Industrial Zone; the Light Industrial Zone, the Commercial Zone, the Neighbourhood Centre Zone, the Hospital Zone, the Port Zone, the Stadium Zone and the Scenic Visitor Zone.

36. I recommend the amendments to where Recession Planes apply in these zones as per the table below:

Zone	Recommended Zones Against Which Recession Planes are Applied
General Industrial Zone	Any RESZ – Residential Zone, OSRZ – Open Space and Recreation Zone, SARZ – Sport and Recreation Zone or MUZ – Mixed Use Zone or SETZ – Settlement Zone boundary
Light Industrial Zone	Any RESZ – Residential Zone, OSRZ – Open Space and Recreation Zone, SARZ – Sport and Recreation Zone or MUZ – Mixed Use Zone or SETZ – Settlement Zone boundary
Commercial Zone	Any site RESZ – Residential Zone boundary, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone boundary.
Neighbourhood Centre	Any residential-site RESZ – Residential Zone boundary
Hospital Zone	Any site RESZ – Residential Zone boundary, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone boundary.
Port Zone	Any site RESZ – Residential Zone boundary, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone boundary.
Stadium Zone	Any site boundary RESZ – Residential Zone boundary, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone boundary.
Scenic Visitor Zone	Any site SETZ – Settlement Zone boundary

Recommendations

37. That the definition of Approved Building Platform be amended as follows:

Means a building platform approved by building consent or otherwise allowed under the Building Act or Regulations, resource consent, or identified on the applicable computer freehold register.

38. That the following amendments are made to the Recession Plan Rules of the Plan:

Commercial Zone

Rule COMZ – R1. Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities and Buildings

Activity Status Permitted

Where:

...6. No building projects beyond a building envelope defined by a recession plane as defined in Appendix 2 to commence 2.5m above any site RESZ – Residential Zone boundary, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone boundary...

Neighbourhood Centre Zone

Rule NCZ – R1 Commercial Activities and Buildings, Community Facilities and Emergency Service Facilities

Activity Status Permitted

Where:

...11. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any residential-site RESZ – Residential Zone boundary...

General Industrial Zone

Rule GIZ – R1 Industrial Activities and Industrial Buildings

Activity Status Permitted

Where:

...9. No building shall project beyond a building envelope defined by a 35 degree recession plane to commence 2.5m above any RESZ - Residential, OSRZ - Open Space and Recreation Zone, SARZ – Sport and Recreation Zone, MUZ - Mixed Use or SETZ - Settlement Zone boundary...

Rule LIZ – R1 Industrial Activities and Industrial Buildings

Activity Status Permitted

Where:

...9. No building shall project beyond a building envelope defined by a 35 degree recession plane to commence 2.5m above any RESZ - Residential, OSRZ - Open Space and Recreation Zone, SARZ – Sport and Recreation Zone, MUZ - Mixed Use or SETZ - Settlement Zone boundary...

Hospital Zone

Rule HOSZ – R1 Healthcare and Medical Activities and Buildings

Activity Status Permitted

Where:

...6. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any site RESZ – Residential Zone boundary, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone boundary...

Port Zone

Rule PORTZ – R1 Port and Industrial Activities and Buildings

Activity Status Permitted

Where:

...11. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any site RESZ – Residential Zone boundary, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone boundary...

Stadium Zone

Rule STADZ – R1 Stadium Activity

Activity Status Permitted

Where:

...5. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any site RESZ – Residential Zone boundary, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone boundary...

Scenic Visitor Zone

Rule SVZ – R1

Activity Status Permitted

Where:

...8. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any site SETZ – Settlement Zone boundary...

39. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

7.0 Submissions from Te Mana Ora on the Overviews of the Plan

Submissions

Plan Chapter	Submission Point	Position	Decision Requested
Historic Heritage	S190.229	Support	
Sites and Areas of Significance to Māori	S190.273	Support	
Ecosystems and Indigenous Biodiversity	S190.311	Support	
Natural Features and Landscapes	S190.337	Support	
Public Access	S190.361	Support	
<i>Herenga ā Nuku Aotearoa, Outdoor Access Commission</i>	<i>FS53.6</i>	<i>Support</i>	<i>Allow</i>
Financial Contributions	S190.378	Support	
Activities on the surface of water	S190.455	Support	
Earthworks	S190.501	Support	
Light	S190.515	Support	
Signs	S190.549	Support	
Temporary Activities	S190.579	Support	
Open Space and Recreation Zones	S190.594	Support	
Natural Open Space Zone	S190.617	Support	

Open Space Zone	S190.635	Support	Suggest the following correction to the overview: The zone includes civic spaces, land with community facilities...In some cases they also the zone is also <u>used for</u> locations for quarrying and mineral extraction before the land is remediated for other open space uses.
Sport and Active Recreation Zone	S190.662	Support	
Commercial and Mixed Use Zones	S190.681	Support	
Commercial Zone	S190.719	Support	
Mixed Use Zone	S190.731	Support	
Neighbourhood Centre Zone	S190.747	Support	
Town Centre Zone	S190.762	Support	
Industrial Zones	S190.785	Support	
General Industrial Zone	S190.799	Support	
Light Industrial Zone Rules	S190.815	Support	
Residential Zones	S190.831	Support	
Large Lot Residential Zone	S190.878	Support	
Medium Density Residential Zone	S190.901	Support	
Rural Zones	S190.923	Support	
Buller Coalfield Zone	S190.1087	Support	support the balanced approach that adverse effects are minimised and rehabilitation of land occurs following mineral extraction for good public health outcomes.
Port Zone	S190.1209	Support	retain Port Zone for Westport and Greymouth ports
Grey District Council	FS1.353	Support	Allow

Analysis

40. Te Mana Ora are thanked for their support of the overall approach to many parts of the Plan and this is noted. In terms of the suggested amendment to the Open Space Zone Overview, this is not necessary as this part of the overview has been redrafted based on other submitters points. No amendments to the Plan are recommended as a result of these submissions.

Recommendations

41. That no amendments to the Plan are made as a result of these submissions.
42. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

8.0 Submissions on the Energy, Infrastructure and Transport Chapter

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Frank and Jo Dooley (S478)	S478.092	Amend	Make it clear that underground electricity transmission lines are a permitted activity
<i>New Zealand Energy Limited</i>	<i>FS127.020</i>	<i>Support</i>	<i>Not stated</i>
Frank and Jo Dooley (S478)	S478.076	Support	Buller Electricity supports the overview in the energy section of the Energy Infrastructure and Transport Chapter. It is suggested that a comma between Energy and Infrastructure is appropriate - Energy, Infrastructure and Transport Chapter.
<i>New Zealand Energy Limited</i>	<i>FS127.019</i>	<i>Support</i>	<i>Not stated</i>

Analysis

43. Frank and Jo Dooley (S478.092) seek that it be made clear that underground electricity transmission lines are a permitted activity. I have discussed this matter with the s42A author for the Energy, Infrastructure and Transport Chapter, as there has been expert caucusing and further recommendations arising from the hearing on this topic. Under the Energy Chapter the s42A author Right of Reply recommends the addition of a new Rule ENG – RX1 – The construction, operation and repairs of below ground energy activities. Assuming this rule is accepted by the commissioners, it would be explicit that underground electricity transmission lines are a permitted activity. I do note that the overlay chapters manage earthworks in some sensitive areas and that there are specific provisions that may require resource consent for new underground electricity lines, for example in some historic heritage areas in order to protect archaeological values. On that basis I support the submission in part but do not propose further amendments to the Plan.
44. Frank and Jo Dooley (S478) support the overview to the energy chapter, and seek a minor punctuation change. This support is noted. The “missing” comma is on the title page of the chapter and I do not consider that this change is necessary. I therefore support this submission in part.

Recommendations

45. That no amendments to the Plan are made as a result of these submissions.
46. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

9.0 Submissions on Subdivisions and Financial Contributions Chapters

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Financial Contributions Chapter			
William McLaughlin (S567)	S567.221	Amend	Add definition for Development
Chris & Jan Coll (S558)	S558.144	Amend	Add definition for Development

Chris J Coll Surveying Limited (S566)	S566.144	Amend	Add definition for Development
<i>Westpower Limited</i>	<i>FS222.066</i>	<i>Oppose in part</i>	<i>Not stated</i>
Laura Coll McLaughlin (S574)	S574.144	Amend	Add definition for Development
Submissions on SUB -P2			
William McLaughlin (S567)	S567.258	Amend	Provide a suitable definition of "planned infrastructure" that ensures a robust, and consultative process determined the planned infrastructure that also minimises uncertainty.
Chris & Jan Coll (S558)	S558.184	Amend	Provide a suitable definition of "planned infrastructure" that ensures a robust, and consultative process determined the planned infrastructure that also minimises uncertainty.
Chris J Coll Surveying Limited (S566)	S566.184	Amend	Provide a suitable definition of "planned infrastructure" that ensures a robust, and consultative process determined the planned infrastructure that also minimises uncertainty.
Laura Coll McLaughlin (S574)	S574.184	Amend	Provide a suitable definition of "planned infrastructure" that ensures a robust, and consultative process determined the planned infrastructure that also minimises uncertainty.
Submission on SUB – R6			
Erin Stagg (S314)	S314.007	Amend	Amend the rule so that future development next to the Haast Airfield should be undertaken sensitively including acoustic insulation and no objection covenants.
<i>Laurence McGuire</i>	<i>FS100.001</i>	<i>Support</i>	<i>Allow</i>
<i>PE Property Trust</i>	<i>FS88.5</i>	<i>Support</i>	<i>Allow</i>
Submission on SUB – S1			
Margaret Montgomery (S446)	S446.064	Oppose in part	SUB – S1 Include a note that if the proposal does not generate new land use non-compliance's or that where this can be demonstrated that council can waive this standard

Analysis

47. William McLaughlin (S567.221), Chris & Jan Coll (S558.144), Chris J Coll Surveying Limited (S566.144) and Laura Coll McLaughlin (S574.144) all seek a definition for Development in relation to the Financial Contributions provisions. I do not support these submissions. The term "development" is a widely used and understood term within the RMA context and I note that neither a National Planning Standards or RMA definition exists.
48. William McLaughlin (S567.258), Chris & Jan Coll (S558.184), Chris J Coll Surveying Limited (S566.184) and Laura Coll McLaughlin (S574.184) seek a definition of "planned infrastructure" in relation to subdivision policy SUB – P2. I do not support these submissions. This term is used within the context of "existing or planned infrastructure"

in one policy in the Plan. I consider within the wider policy the meaning is clear, and given the term is used no-where else in the Plan I do not consider a definition is necessary.

49. Erin Stagg (S314.007) seeks that Rule SUB – R6 also refer to Haast Airfield so that future development is undertaken sensitively including acoustic insulation and no objection covenants. I support this submission in part. As a consequence of recommendations that the Haast Airfield be included in the Airport Zone, with noise contours provided, Rule SUB – R22 will apply to any subdivision that occurs within the Airport Noise Overlay at Haast Airfield. I therefore consider this matter is adequately dealt with through the addition of the Airport Noise Overlay.
50. Margaret Montgomery (S446.064) seeks that SUB – S1 not apply if the proposal does not generate new non-compliances or where it can be demonstrated that council can waive this standard. I do not support this submission. The s42A author for the Subdivision topic considered the matter of existing non-compliance carefully in her report and concluded that lawfully established activities are already provided for in the provisions and that existing use rights also apply.

Recommendations

51. That no amendments to the Plan are made as a result of these submissions.
52. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

10.0 Submissions on the Ecosystems and Biodiversity Chapter

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Submissions on the Overview Statement			
Department of Conservation (S602)	S602.063	Oppose	Amend:...The West Coast/Te Tai o Poutini contains a significant amount of intact natural diversity by comparison with other parts of New Zealand/Aotearoa me Te Waipounamu. Continuous tracts of lowland and coastal forests and freshwater as well as coastal wetlands cover large areas. In many places indigenous ecosystems and habitats extend unbroken from the mountains to the sea. <u>Approximately 84% of the land area is under the management of the Department of Conservation. In total an estimated 90% of the West Coast/Te Tai o Poutini is covered in indigenous vegetation - compared with 24% nationally. While the West Coast/Te Tai o Poutini is fortunate to have a wide range of diverse and intact ecosystems and vegetation types, they occur primarily in the uplands and there are some ecosystems and vegetation types not well represented in the protected areas network. These are generally ecosystems found in the lowland areas of the West Coast/Te Tai o Poutini, and include threatened ecosystems such as coastal turf and</u>

			<p>wetlands, and vegetation types such as coastal forest and forests on alluvial terraces. Alongside this, parts of the West Coast/Te Tai o Poutini include the last habitats or strongholds of some native species threatened with extinction. The benefits of ecological connectivity from the mountains to the sea on the West Coast/Te Tai o Poutini are shared by all...In the Grey District, an evaluation process has been underway for a number of years, and this has enabled 37 Significant Natural Areas to be identified within the Grey District. The list of these Significant Natural Areas can be found in Schedule Four and they are also shown on the maps. In the Buller and Westland Districts, where Significant Natural Areas have not yet been mapped, the mapping of Significant Natural Areas will be undertaken and completed by June 2027. Te Tai o Poutini Plan has general vegetation clearance rules, with a requirement requirement that an assessment against the regionally consistent significance criteria will be undertaken at the time of any resource consent or to confirm whether or not the area proposed to be cleared is not significant before permitted clearance occurs. These rules apply in addition to the rules that apply to the Schedule 4 Significant Natural Areas.....Indigenous vegetation clearance in the Coastal Environment or adjacent to waterbodies Where indigenous vegetation clearance is proposed within riparian margins next to rivers, lakes and wetlands refer to the Natural Character and Margins of Waterbodies chapter of the Plan for the additional Rules around this clearance....</p>
<i>Westpower Limited</i>	<i>FS222.084</i>	<i>Oppose</i>	<i>Disallow</i>
<i>Inger Perkins</i>	<i>FS33.22</i>	<i>Support</i>	<i>Allow</i>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.194	Oppose	Delete the reference to Strategic Objectives in the Overview..
<i>Westpower Limited</i>	<i>FS222.0260</i>	<i>Oppose</i>	<i>Disallow</i>

Analysis

53. Department of Conservation (S602.063) seeks amendment to the Overview section of the chapter to identify that intact ecosystems and vegetation types occur primarily in the

uplands, that mapping of SNAs will be undertaken by June 2027 and to expand on the requirement to assess vegetation prior to permitted clearance. I do not support this submission. I have recommended in the s42A report for Ecosystems and Biodiversity a range of changes to the Overview section which I consider provide better context for the chapter than the words proposed by the Department of Conservation.

54. Forest and Bird (S560.194) seek the reference to the Strategic Objectives in the Overview be deleted. I do not support this submission. The submitter identifies that this is the only chapter that references the strategic objectives, which is not correct and also not a reason to delete the reference. I have also recommended adding further references to the strategic objectives to the Overview section of other Plan topics and I consider this is appropriate where these are an important relevant context for the chapter.

Recommendations

55. No amendments to the Plan are recommended as a result of these submissions.
 56. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

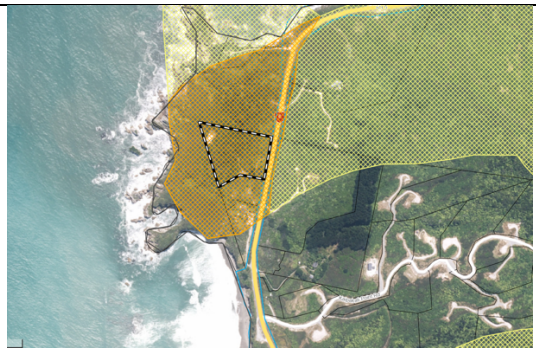
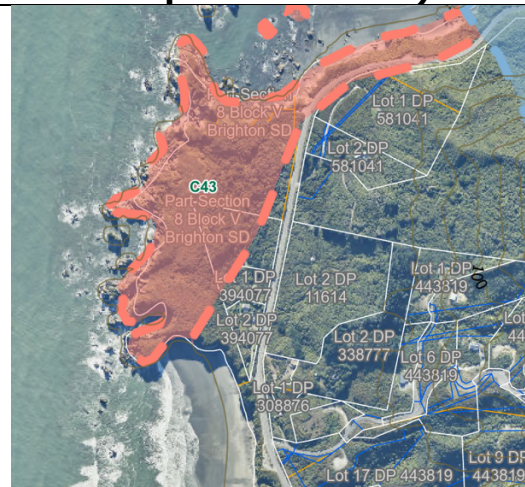
11.0 Submissions on the Coastal Environment Chapter

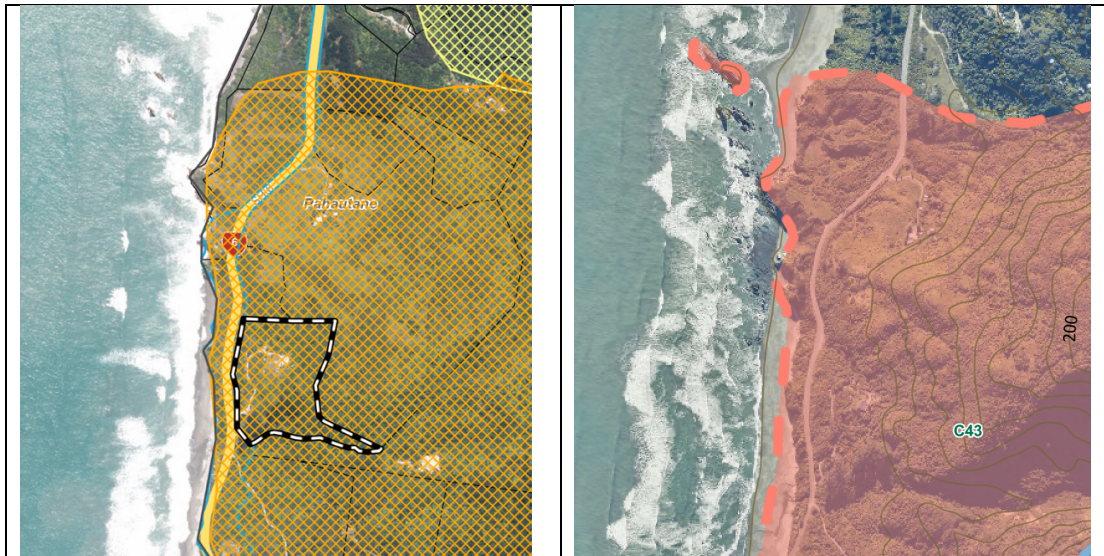
Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Amanda Jenkins (S575)	S575.002	Amend	Amend the High Natural Character boundary from property at State Highway 6 Fox River

Analysis

57. Amanda Jenkins (S575.002) seeks that the High Natural Character boundary is removed from her property at State Highway 6 Fox River. From the maps included in her submission it appears that two properties are affected by the High Natural Character Overlay. These are shown on the maps below with the recommended updated mapping from Stephen Brown’s 2022 study, as reviewed by Bridget Gilbert also shown.

Proposed TTPP High Natural Character Overlay	Recommended High Natural Character Overlay (Stephen Brown Sept 2022 Review)
	



58. There have been relatively minor amendments to the boundaries of these areas of High Coastal Natural Character and this submitter's properties still are recommended by the landscape reviewers to remain in the area of High Coastal Natural Character. For that reason I do not support this submission.

Recommendations

59. That no amendment to the Plan is made as a result of this submission.

60. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

12.0 Submissions on the Open Space Zones Chapter

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Birchfield Coal Mines Ltd (S601)	S601.077	Support	Overview: Retain the following wording: "The nature of the West Coast, with its extensive mineral deposits, combined with 84% of the land area being located in public conservation estate, means that provision is also made for mineral extraction within the Open Space Zone."

Analysis

61. Birchfield Coal Mines Ltd (S601.077) seek that part of the overview statement as relates to public conservation land and mineral extraction is retained.

62. As a result of other submissions I have recommended amendments to this statement as follows

" The nature of the West Coast, with its extensive mineral deposits, means that minerals are widespread within areas in the Open Space and Recreation Zones. combined with 84% of the land area being located in public conservation estate. There are a range of circumstances where some mineral extraction quarrying or gravel extraction may be appropriate, particularly where this supports ongoing

access and management of the lands within the zones. There are also some Local Purpose Reserves within the Open Space Zone in particular, where quarrying or gravel extraction may be part of, or the primary local purpose. This means that provision is also made for mineral extraction within the Open Space Zone.

63. I consider these amendments I recommended in response to other submissions points are more appropriate wording that reflects the purpose and context for the Open Space and Recreation Zones, and therefore do not support retaining the wording as notified. I therefore do not support this submission.

Recommendations

64. That no amendments to the Plan are made as a result of this submission.
 65. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

12.0 Submissions on Rural Zones Chapters

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
RURZ – Rural Zones			
Department of Conservation (S602)	S602.228	Amend	Amend 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, <u>rivers, wetlands, habitats of indigenous flora and fauna</u> , renewable electricity generation sites and national grid infrastructure. Rural areas are also residential environments – characterised by a lower levels of built development and greater separation distance from neighbours. The rural area is characterised by its open vistas and natural <u>landscapes and</u> 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.
Misato Nomura (S151)	S151.008	Amend	Combine some of the precincts.

Analysis

66. Department of Conservation (S602.228, S602.063) seek that the overview to the RURZ-Rural Zones section is amended to expand the list of natural features found in the zones and to include reference to natural landscapes. I support this submission as they provide better context for the activities in the chapter.
67. Misato Nomura (S151.008) seeks that some of the precincts are combined. I do not support this submission. I acknowledge the level of complexity in the Plan created by the use of precincts, compared with the operative plans, but this is a result of the diverse nature of, in particular, the settlements on the West Coast, and the need to accommodate the differences found across the three districts. It would be simpler to have more zones – as these are less complex in plan drafting, but the National Planning

Standards don't provide for this – they instead require that precincts are used. This is a new type of planning mechanism and I acknowledge that it will take some time before plan users are completely familiar with it.

Recommendations

68. That the Overview for the RURZ – Rural Zones chapter is amended as follows:

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, rivers, wetlands, habitats of indigenous flora and fauna, renewable electricity generation sites and national grid infrastructure. Rural areas are also residential environments – characterised by a lower levels of built development and greater separation distance from neighbours. The rural area is characterised by its open vistas and natural landscapes and 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.

69. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

13.0 Submissions on the Mineral Extraction Topic

Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
General Approach to Mineral Extraction in the Rural Zones			
Phil and Helen Cook (S600)	S600.002	Support	Support provisions that provide for mineral extraction in zones.
Paula Jones (S590)	S590.002	Support	Retain provisions for mineral extractions in zones.
<i>Brian Anderson</i>	<i>FS237.0195</i>	<i>Support in part</i>	<i>Not stated</i>
Alvin & Kay Godfrey (S580)	S580.005	Support	Retain provisions for mineral extractions in zones
<i>Brian Anderson</i>	<i>FS237.0185</i>	<i>Support in part</i>	<i>Not stated</i>
Anna & Jeremy Hart (S582)	S582.002	Support	Retain provisions for mineral extractions in zones
<i>Brian Anderson</i>	<i>FS237.0186</i>	<i>Support in part</i>	<i>Not stated</i>
Steve and Anne Staples (S584)	S584.002	Support	Retain provisions for mineral extractions in zones
<i>Brian Anderson</i>	<i>FS237.0187</i>	<i>Support in part</i>	<i>Not stated</i>
Tane & Rachel Little (S586)	S586.002	Support	Retain provisions for mineral extractions in zones
<i>Brian Anderson</i>	<i>FS237.0188</i>	<i>Support in part</i>	<i>Not stated</i>
Linda Elcock (S587)	S587.002	Support	Retain provisions for mineral extractions in zones
<i>Brian Anderson</i>	<i>FS237.0189</i>	<i>Support in part</i>	<i>Not stated</i>
Marty & Nicky Von Ah (S588)	S588.002	Support	Retain provisions for mineral extractions in zones

Brian Anderson	FS237.0191	Support in part	Not stated
Brian Anderson	FS237.0192	Support in part	Not stated
Charmaine Michell (S589)	S589.002	Support	Retain provisions for mineral extractions in zones
Brian Anderson	FS237.0193	Support in part	Not stated
Newcoast Resources Limited (S191)	S191.002	Support	Retain provisions supporting mineral extraction in the rural zones.
Royal Forest & Bird Protection Society of NZ Inc. (Forest & Bird)	FS34.007	Oppose	Disallow
Grey District Council	FS1.036	Support	Allow
Brian Anderson	FS237.0200	Oppose	Not stated
Papahaua Resources Limited (S500)	S500.010	Support	retain the enablement of mineral extraction in the rural zones
Brian Anderson	FS237.0206	Oppose	Not stated
Mineral Extraction in the General Rural Zone			
Marie Elder (S352)	S352.020	Oppose	Oppose the Permitted Activity rule for mineral extraction in the General Rural Zone.
Grey District Council	FS1.284	Oppose	Disallow
Barry Mason (S208)	S208.003	Amend	To make any form of mining activity in Barrytown and over the Barrytown flats a discretionary activity requiring public notification and resource consent
Grey District Council	FS1.043	Neutral	Disallow
Trevor Thorpe (S528)	S528.002	Support	Retain provisions for mineral extraction in the rules
Papahaua Resources Limited (S500)	S500.012	Support	Retain enabling provisions for mineral extraction
Patrick Cooper (S434)	S434.003	Support	Retain the general rules for mineral extraction
John Thorpe (S529)	S529.002	Support	Retain the provisions for mineral extraction
Rural Lifestyle Zone			
Papahaua Resources Limited (S500)	S500.013	Support	Retain enabling approach to mineral extraction
Mineral Extraction Zone			
BRM Developments Limited (S603)	S603.052	Support	Retain the Minerals Extraction Zone

Analysis

70. Phil and Helen Cook (S600.002), Paula Jones (S590.002), Alvin & Kay Godfrey (S580.005), Anna & Jeremy Hart (S582.002), Steve and Anne Staples (S584.002), Tane & Rachel Little (S586.002), Linda Elcock (S587.002), Marty & Nicky Von Ah (S588.002), Charmaine Michell (S589.002), Newcoast Resources Limited (S191.002 and Papahaua Resources Limited (S500.010) seek to retain the enablement of mineral extraction and the provisions in the rural zones. Trevor Thorpe (S528.002), Papahaua Resources Limited (S500.012), Patrick Cooper (S434.003) and John Thorpe (S529.002) seek to retain the enabling rules for mineral extraction in the General Rural Zones.

71. I support these submissions in part. The s42A author for the mineral extraction topic does recommend that a pathway for mineral extraction remain in Rural Zones but has proposed extensive changes to the provisions in response to other submissions, which would create additional restrictions around mineral extraction compared with the proposed Plan. I note that the s42A Author has yet to deliver his Right of Reply on this topic and that the General Rural Zone provisions in particular have been the subject of other detailed submissions.
72. Marie Elder (S352.020) opposes the Permitted Activity rule for mineral extraction in the General Rural Zone. I support this submission in part in that the s42A author has proposed a wide range of amendments to Rule GRUZ – R12 which would significantly restrict the extent of any permitted activity for mineral extraction.
73. Papahaua Resources Limited (S500.013) seeks to retain the enabling approach to mineral extraction within the zone. Similar submissions are discussed in the s42A report for mineral extraction in paragraphs 647-656 and the author recommends that while mineral prospecting and exploration remain a permitted activity, that mineral extraction should be a Discretionary, rather than Restricted Discretionary Activity. I agree with the recommendations and rationale of the s42A author and therefore do not support this submission.
74. BRM Developments Limited (S603.053) seeks to retain the Minerals Extraction Zone. Barry Mason (S208.003) seeks to make any form of mining activity at Barrytown a Discretionary Activity. The s42A author for the mineral extraction topic discusses these matters in his paragraphs 116-143. He concludes that it is appropriate to retain the Mineral Extraction Zone as a useful addition for managing these activities at specific locations and I concur with his analysis.
75. In relation to the Barrytown Mineral Extraction Zone, this is discussed in Section 22 of the mineral extraction s42A report and the author states "As authorisation does not exist for mining in this location, the zoning this area to MINZ does not comply with the zoning criteria as such I recommend that the area be rezoned. I recommend these submissions be accepted."
76. Since the s42A report was issued and the mineral extraction hearing held, resource consent has been granted for an area of mineral extraction on the Barrytown Flats. The implications of this have not yet been considered by the s42A author in his right of reply. I therefore do not recommend any amendments to the Plan as a result of this submission.

Recommendations

77. That no amendments to the Plan are made as a result of these submissions.
78. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

14.0 S32AA Evaluation for all Recommended Amendments

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

15.0 Conclusion

81. This report has provided an assessment of submissions points that have not been addressed in other s42A reports. It considers and provides recommendations on the decisions requested in submissions. I consider that the submissions points addressed in this report should be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report and contained in Appendix 1 of this report.

82. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA (especially for changes to objectives), the relevant objectives of this plan and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.

Appendix One: Recommended Amendments to the Plan

Definitions

APPROVED BUILDING PLATFORM	Means a building platform approved by building consent <u>or otherwise allowed under the Building Act or Regulations</u> , resource consent, or identified on the applicable computer freehold register.
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COMZ Commercial Zone - Te Takiwā Pakihi

Permitted Activities

Rule COMZ – R1. Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities and Buildings **Activity Status Permitted**

Where:

1. The maximum height above ground level is 12 metres except that this standard does not apply to hose drying towers at Emergency Service Facilities;
2. Any building or structure is set back:
 - i. 3m from any RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone; and
 - ii. 3m from the road boundary, except for; sites with frontage to two roads in the COMZ - Commercial Zone can have a 3m setback on one road boundary and 1.5m setback on the other road boundary;
3. Landscaping shall be provided as follows:
 - i. The area adjoining the road frontage of all sites shall contain a minimum 1.5m landscaping strip that will, within two years of being planted, reach a minimum height of 1m;
 - ii. On sites adjoining a RESZ - Residential Zone a 2m wide landscaping strip shall be provided adjacent to the RESZ - Residential Zone boundary and shall be planted with species, which at maturity, will screen the buildings from the adjoining sites; and
 - iii. The planting of 1 tree per 20 carparking spaces is encouraged within any carparking area.
 - iv. Stormwater facilities that provide water quality treatment and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.
4. The maximum building length is 20m where this abuts a RESZ - Residential Zone;
5. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place; and
6. No building projects beyond a building envelope defined by a recession plane as defined in Appendix 2 to commence 2.5m above any site RESZ – Residential Zone boundary, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone 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. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (eg finials, spires) provided these do not exceed the recession plane by more than 3m vertically;
- v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Notes:

- 1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.
- 2. The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 also apply.

NCZ Neighbourhood Centre Zone - Te Takiwā o te Pokapū o te Hapori

Permitted Activities

Rule NCZ – R1 Commercial Activities and Buildings, Community Facilities and Emergency Service Facilities

Activity Status Permitted

Where:

- 1. Community Facilities, Emergency Service Facilities, retail and office activities are a maximum of 250m² gross floor area per activity provided;
- 2. The activity does not include:
 - i. Drive through restaurants;
 - ii. Service stations;
 - iii. Motor vehicle sales;
 - iv. Yard-based retail activities;
 - v. Trade retail and trade suppliers; or
 - vi. Bars/taverns;
- 3. The maximum height above ground level is 10 metres except that this standard does not apply to hose drying towers at Emergency Service Facilities;
- 4. External storage is screened by a 1.8m fence or landscaping so that it is not visible from any adjoining residential zone boundary or adjoining public place;
- 5. Maximum site coverage is 60%;
- 6. No more than one heavy vehicle is stored on the site;
- 7. Activities other than Emergency Services shall be limited to the following hours of operation:
 - i. 6am – 11pm weekdays; and
 - ii. 7am – 10 pm weekends and public holidays; except where
 - a. The entire activity is located within a building; and
 - b. There are no visitors, customers or deliveries outside the above hours.
- 8. The maximum building length is 20m where this abuts a RESZ - Residential Zone;
- 9. Any building or structure is set back
 - i. 2m from a RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone boundary;
 - ii. 3m from the road boundary; or
 - iii. For sites with frontage to two roads in the NCZ - Neighbourhood Centre Zone:
 - a. 3m on one road boundary; and
 - b. 1.5m on the other road boundary;
- 10. A landscape buffer of 1m width must be provided along the frontage between the street and any car parking, loading or service areas which are visible from the street frontage. This rule excludes access points;
- 11. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any residential-site RESZ – Residential Zone boundary except where the neighbouring property owner's written

approval is provided to the Council 10 working days 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. 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
- v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Note:

1. The acoustic insulation requirements for noise sensitive activities set out in Rule NOISE - R3 also apply.

GIZ General Industrial Zone - Te Takiwā Ahumahi Whānui

Permitted Activities

Rule GIZ – R1 Industrial Activities and Industrial Buildings

Activity Status Permitted

Where:

1. The maximum building height above ground level is 20m;
2. Maximum site coverage is 80%;
3. Buildings are setback a minimum:
 - a. 10m from State Highways; and
 - b. 5m from road boundaries, any RESZ - Residential Zone, OSRZ - Open Space and Recreation Zone or SETZ - Settlement Zone boundary and the Rail Corridor;
4. All external storage and car parking areas shall be screened by a 1.8m fence or landscaping so that:
 - a. It is not visible from any adjacent RESZ - Residential Zone or SETZ - Settlement Zone boundary or adjacent public place; and
 - b. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;
5. No blasting or vibration beyond the zone boundary shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on weekends and public holidays;
6. There shall be no offensive or objectionable dust nuisance at or beyond the LIZ - Light Industrial Zone boundary as a result of the activity;
7. The area adjoining the road frontage of all sites, and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space or MUZ - Mixed Use Zone shall contain landscaping with a minimum width of 2 metres, of a standard that does not restrict road visibility, or obstruct signage or accessways within the road corridor;
8. Contaminated stormwater run-off associated with any industrial activity or building, including stormwater runoff from any earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality;
9. No building shall project beyond a building envelope defined by a 35 degree recession plane to commence 2.5m above any RESZ - Residential, OSRZ - Open Space and Recreation Zone, ~~SARZ – Sport and Recreation Zone~~, MUZ - Mixed Use or SETZ - Settlement Zone 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:
 - 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 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
- 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.

Advice Notes:

- 1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.
- 2. Stormwater facilities that support multiple uses such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.
- 3. The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.

LIZ General Industrial Zone - Te Takiwā Ahumahi Āhua Toritori

Permitted Activities

Rule LIZ – R1 Industrial Activities and Industrial Buildings

Activity Status Permitted

Where:

- 1. The maximum building height above ground level is 12m;
- 2. Maximum site coverage is 65%;
- 3. Buildings are setback a minimum:
 - i. 10m from State Highways; and
 - ii. 5m from road boundaries, any Residential Zone, Open Space Zone or Settlement Zone boundary and the Rail Corridor;
- 4. All external storage and car parking areas shall be screened by a 1.8m fence or landscaping so that:
 - i. It is not visible from any adjacent Residential Zone or Settlement Zone boundary or adjacent public place; and
 - ii. The fence or landscaping is set back from the road boundary so that it does not restrict visibility;
- 5. No blasting or vibration shall occur outside the hours of 0800 to 1800 hours weekdays and 0900 to 1600 hours on Saturdays with no blasting or vibration to be undertaken on Sundays or public holidays;
- 6. There shall be no offensive or objectionable dust nuisance at or beyond the LIZ - Light Industrial Zone boundary as a result of the activity;
- 7. The area adjoining the road frontage of all sites, and the side boundary of a site that adjoins a RESZ - Residential, SETZ - Settlement, OSZ - Open Space, SARZ - Sport and Recreation Zone or MUZ - Mixed Use Zone shall contain landscaping as follows:
 - a. A minimum width of 2 metres that will, within two years of being planted, reach a minimum height of 1m, provided that lower heights are acceptable where this will otherwise restrict visibility within the State Highway corridor; and
 - b. On sites adjoining a RESZ - Residential Zone shall be planted with species, which at maturity, will provide screening from the adjoining sites; and
 - c. The planting of 1 tree per 20 carparking spaces is encouraged within any carparking area.
- 8. Contaminated stormwater run-off associated with any industrial activity or building, including stormwater runoff from earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality; and

9. No building shall project beyond a building envelope defined by a 35 degree recession plane to commence 2.5m above any RESZ - Residential, OSRZ - Open Space and Recreation Zone, ~~SARZ—Sport and Recreation Zone~~, MUZ - Mixed Use or SETZ - Settlement Zone 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:
 - 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. Antennas, aerials, satellite dishes (less than 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
 - v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Notes:

1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.
2. Stormwater facilities that support multiple uses such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.
3. The Auckland Design Manual Guideline Document GD 2017/01 Stormwater Management Devices in the Auckland Region provides information on best practice stormwater design options for stormwater treatment.

RURZ

Rural Zones

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, rivers, wetlands, habitats of indigenous flora and fauna, renewable electricity generation sites and national grid infrastructure. Rural areas are also residential environments – characterised by a lower levels of built development and greater separation distance from neighbours.

The rural area is characterised by its open vistas and natural landscapes and 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.

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HOSZ Hospital Zone - Te Takiwā Hōhipera

Permitted Activities

Rule HOSZ – R1 Healthcare and Medical Activities and Buildings

Activity Status Permitted

Where:

1. Any ancillary commercial activity does not exceed 200m² gross floor area or 10% of the hospital building footprint per commercial activity per site, whichever is the lesser;
2. The maximum building height above ground level is:
 - i. 12 metres at the Te Nikau Grey Hospital, Reefton Hospital and Buller Integrated Health Centre Site; and
 - ii. 10m at all other locations in the zone; and

- iii. This does not include solar water heating components, antennas, aerials, flues, chimneys, satellite dishes (less than 1m in diameter) and architectural features (e.g. finials, spires) that do not exceed the height by more than 1m.
- 3. The maximum building length is 20m where this is within 5m of an adjoining RESZ - Residential Zone;
- 4. All outdoor rubbish and collection areas must be fully screened with a fence that is 1.8m in height measured from ground level;
- 5. Any building or structure including car parking areas, outdoor storage and rubbish collection areas must be setback:
 - i. 5m from any RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone; and
 - ii. 5m from the road boundary; and
- 6. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any site RESZ – Residential Zone boundary, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or SETZ – Settlement Zone 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:
 - 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. 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; and
 - v. Solar panels and solar water heaters, provided these do not exceed the height in relation to boundary plane by more than 0.5m vertically.

Advice Note:

- 1. Where Healthcare and Medical Facilities are located within one of the Natural Hazard Overlays, the relevant rules for sensitive activities and critical response facilities of the Natural Hazards Chapter will apply.
- 2. Where Healthcare and Medical Facilities are located within the Airport Noise Contour boundary, the acoustic insulation requirements of Rule NOISE - R3 will apply.

PORTZ Port Zone - Te Takiwā Wāpu

Permitted Activities

Rule PORTZ – R1 Port and Industrial Activities and Buildings

Activity Status Permitted

Where

Activity Status Permitted

Where:

- 1. The maximum building height above ground level is 20m;
- 2. Maximum site coverage is 80%;
- 3. Buildings are setback a minimum:
 - i. 5m from road boundaries, the rail corridor and any RESZ - Residential Zone or MUZ - Mixed Use Zone boundary; and
 - ii. 10m from State Highways;
- 4. All external storage and car parking areas shall be screened by a 1.8m fence or landscaping so that it is not visible from any adjoining RESZ - Residential Zone boundary or adjoining public place outside of the PORTZ - Port Zone;
- 5. Vibration from any site due to blasting shall not exceed a peak particle velocity of 5mm/sec measured in the frequency range 3-12 Hz at the notional boundary of any noise sensitive activity;
- 6. Airblast overpressure from blasting shall not exceed a peak sound pressure level of 120 dBC at the notional boundary of any noise sensitive activity;

7. There shall be no offensive or objectionable dust nuisance at or beyond the PORTZ - Port Zone boundary as a result of the activity;
8. No noxious or offensive odour shall be detected beyond the PORTZ - Port Zone boundary that the activity occurs in;
9. The area adjoining the road frontage of all sites, and the side boundary of a site that adjoins a RESZ - Residential, OSRZ - Open Space and Recreation Zone or MUZ - Mixed Use Zone, shall contain landscaping with a minimum width of 2 metres which includes planting that will, within two years of being planted, reach a height of 1m, except that this does not apply to any emergency services facility or vehicle access to the site;
10. Stormwater run-off associated with any Port, industrial or commercial activity or building, including earthworks, shall be collected and treated prior to discharge to ensure there are no significant adverse effects on water quality;
11. 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:
 - 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. Antennas, aerials, satellite dishes (less than 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
 - v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Notes:

1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.
2. Stormwater facilities that support multiple functions such as water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.

STADZ Stadium Zone - Te Takiwā Whare Hākinakina

Permitted Activities

Rule STADZ – R1 Stadium Activity

Activity Status Permitted

Where:

1. The maximum height above ground level is 15 metres. This height limit does not include:
 - i. Solar water heating components, antennas, aerials, flues, chimneys, satellite dishes (less than 1m in diameter), hydro slides and architectural features (e.g. finials, spires) that do not exceed the height by more than 1m;
2. The maximum building length is 20m where this abuts a RESZ - Residential Zone;
3. All outdoor rubbish and collection areas must be fully screened with a fence that is 1.8m in height measured from ground level so that it is not visible from any adjoining residential zone boundary;
4. Any building or structure including car parking areas, outdoor storage and rubbish collection areas must be set back:
 - i. 3m from any RESZ - Residential Zone or OSZ - Open Space Zone; and
 - ii. 3m from the road boundary;
5. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any site RESZ – Residential Zone boundary, OSRZ – Open Space and Recreation Zone, MUZ – Mixed Use Zone or

SETZ – Settlement Zone 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:

- 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. 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;
- v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Note: The Westport Pulse Energy Events Centre is within the Westport Hazard Overlay. Refer to the Natural Hazards Chapter for relevant finished floor height requirements.

SVZ Scenic Visitor Zone - Te Takiwā Manuhiri Tiroiro Taiao

Permitted Activities

Rule SVZ – R1

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:
 - i. A maximum of 50m² indigenous vegetation clearance occurs as part of the activity;
 - ii. Roof colour has a reflectance value of 30% or recessive colours in grey/greens;
 - iii. Maximum site coverage is 60%;
 - iv. Residential activities are ancillary to a Commercial or Community activity;
5. Maximum building height is:
 - i. 7m in the Punakaiki SVZ - Scenic Visitor Zone; and
 - ii. 10m in the Franz Josef/Waiau 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/Waiau and Fox Glacier/Weheka SVZ - Scenic Visitor Zone:
 - i. Building roof pitch is between 8-35 degrees;
 - ii. Roof colour has a reflectance value of 30% or recessive colours in grey/greens;
 - iii. Buildings are clad in wood, plaster stone and/or profile metal sidings;
 - iv. Accessory buildings are in the style, appearance and materials of the principal building;
 - v. Residential unit density is a minimum of 1 unit per 200m² net site area;
 - vi. Maximum building coverage is:
 - a. 80%; except
 - b. 100% for sites in the Franz Josef/Waiau Main Street Frontage area;
 - vii. Except in the Franz Josef/Waiau 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:
 - i. 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;
 - ii. Have a cantilevered continuous verandah to cover the full width of the footpath;
 - iii. 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
 - iv. Have one public entrance with glazing comprising at least 40% of the doors;
8. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any ~~site~~SETZ – Settlement Zone 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:
 - 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. 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
 - v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

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 a residential building, visitor accommodation or 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. The 50 dBA Noise Contour boundary of Franz Josef Heliport.

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