

TTPP - Coastal Environment Right of Reply FOR PROVISION TO THE HEARING PANEL – Department of Conservation

Kia ora – for provision to the Hearing Panel

We have recently received the Coastal Environment s42A Report Author's Right of Reply, and have a technical matter to bring to the Panel's attention.

In reviewing the Right of Reply, I've seen that my point in evidence about Policy CE-P2 may not have come across correctly, and there is a risk of the substantive point being missed.

My point was about how the new term "from inappropriate subdivision, use and development" was recommended to be added to CE-P2 (paras 20 to 22 in his evidence). I don't oppose the intent of the change, and my point related only to the structure of the drafting to ensure it would be interpreted as intended.

Ms Easton, in the Reply at para 33 has recommended adding the words "and protect these" at the start of the insertion. I have copied the provision as per the reply report below.

However, my point was about the location of the insertion, so is not addressed by that addition.

To hopefully clarify this, the notified version read:

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

[values set out in clauses a-e]"

In that drafting it was clear that the policy was about preserving the *values of areas that have [the listed values]*.

But with the insertion where it is, the linking term "that have" comes immediately after "inappropriate subdivision, use and development". So a natural reading is that the

policy would apply where the *subdivision, use and development* has the values, rather than when the *area* has the values.

So for example, if an area currently has significant indigenous biodiversity values, but the development would be a sealed car park with no such values, then arguably the provision could be interpreted as not applying to protect the existing values of the area. I understand that this is not what was intended, so would like to raise it with the Panel to avoid an unintended outcome.

In order to address this, I would suggest that options would be to either shift where the inserted text goes (as per my evidence), or perhaps to add clarifying text along the lines "...and protect these from inappropriate subdivision, use and development that where these areas within the coastal environment have..." I am neutral on the exact approach, my concern is just to ensure that the final drafting works as intended.

Please feel free to come back to me if further clarification is required.

Nga mihi, Murray

CE - P2

Preserve the natural character, natural features and landscape qualities and values of areas within the coastal environment and protect these from inappropriate subdivision, use and development that have:

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