



Te Tai o Poutini PLAN

A combined district plan for the West Coast

Prepared for: Te Tai o Poutini Plan Committee
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Subject: Summary of Further Hearings Recommendations Reports for Information

SUMMARY

This report contains a brief summary of the key changes recommended to three further topics of the Plan from the Hearing Panel. The topics that are covered in this report are:

- Coastal Environment
- Outstanding Matters

RECOMMENDATIONS

1. That the information is received.
2. That the contents of this report are noted.

INTRODUCTION

1. The Independent Hearing Panel has heard submissions and provided Recommendations Report to the Committee in relation to Te Tai o Poutini Plan (TTPP), Variation 1 and Variation 2. These reports are comprehensive and include a summary of the information provided by the submitters, the responses of the s42A reporting officer, the rationale of the panel in relation to these matters and their recommendations on the submissions and changes to the TTPP.
2. This report provides a brief summary of the report's recommendations in relation to two hearing topics being:
 - Coastal Environment
 - Outstanding Matters

COASTAL ENVIRONMENT RECOMMENDATION REPORT

3. The Coastal Environment Recommendations Report provides recommendations on 1220 submissions points and 321 further submissions points.
4. This was a significant topic in terms of public submissions, and one in which, in particular lay submitters were the main participants in the process.
5. This chapter and the recommendations from the Hearings Panel are strongly influenced by the exceedingly protective requirements from the New Zealand Coastal Policy Statement and the West Coast Regional Policy Statement. These "higher order" documents have driven both the development of the chapter as per the notified Plan and also the recommended amendments from the Hearings Panel.
6. Key to this chapter is the extent of the Coastal Environment. Because the Coastal Environment includes three of the main towns in the West Coast, the approach in the chapter is that the Rules only apply in the RURZ Rural Zones (General Rural, Rural Lifestyle, Settlement Zone) and the Open Space and Recreation Zones.
7. The extent of the Coastal Environment is mapped in the Plan, and as a result of submissions and a review undertaken by Bridget Gilbert Landscape Architect, the extent of the coastal environment is recommended to be altered to reflect the review.
8. There are also two other overlays in this chapter, the Outstanding Coastal Natural Character (OCNC) overlay and the High Coastal Natural Character Overlay (HCNC). The OCNC Overlay entirely overlaps the Outstanding Natural Landscape overlay, but there are areas of HCNC that are not included within an Outstanding Natural Landscape.
9. Bridget Gilbert Landscape Architect reviewed the HCNC and OCNC overlays and has suggested a number of recommendations and corrections. The Hearings Panel has recommended that these overlays are only amended to reduce the area of land affected, and no increase in the extent of the overlays as a result of the review is provided for.
10. The recommendations of the Hearings Panel, resulting from Ms Gilbert's review, are also to remove some mapped areas of HNC and OCNC overlay from specific properties and areas – this affects the overlays at:
 - Areas of General Residential Zone at Ashmore Ave Cobden in NCA 37;
 - 4456A and 4456B Karamea Highway in NCA 57;
 - Small scale residential properties and farmland at NCA 11 Okuru;
 - 6A Stafford Loop Road in NCA 32 (Chesterfield Terrace)
 - Rural lifestyle properties in NCA 10 at Hannah's Clearing;
 - The Rapahoe Coal Yard and KiwiRail designated land at Rapahoe NCA 38;
 - Properties at North Beach Road Cobden where rural living development is evident, and realigning the boundary to mature contiguous bush in NCA 37.
11. The Hearing Panel also recommends a further amendment to the definition of Statutory Agency (in relation to the construction of natural hazard mitigation structures) to include "any network utility operator".
12. In terms of the Objectives and Policies, the Hearings Panel recommends a range of amendments which are almost entirely to better meet the national and regional direction requirements. The combined effects of these policy changes is a reduction in stringency outside of outstanding areas and an increase in stringency within outstanding areas. The key changes are as follows:

- Splitting Objective CE – O1 in two and amending the text so that CE – O1 reflects the wording in Section 6 (matters of national significance) in the Resource Management Act (RMA). The second part of the objective becomes CE – O2 and is similar to the notified TTPP drafting.
 - Amending Objective CE – O3 (now CE – O4) to specifically provide for regionally significant infrastructure and mineral activities in the objective, and also to recognise cumulative adverse effects, matters identified in the New Zealand Coastal Policy Statement (NZCPS) and to replace “minimised” with “avoided, remedied or mitigated”.
 - Amending Policy CE – P1 to align with the requirements of the NZCPS to include all the types of geographic areas and habitats that are within the coastal environment.
 - Amending CE – P2 to reflect the requirements of the NZCPS/WCRPS to avoid significant adverse effects and to avoid, remedy and mitigate other adverse effects in areas outside of those which are specifically identified as “outstanding”.
 - Amending CE – P3 so it no longer applies to areas of High Coastal Natural Character and to provide for Māori Purpose Activities within the Māori Purpose Zone and activities that have a minor or transitory effect.
 - Amending CE -P4 to specifically provide for lawfully established buildings and structures – but also to require that adverse effects on outstanding natural character, outstanding natural landscapes and outstanding natural features are avoided.
 - Amending CE – P5 to specifically provide for infrastructure and renewable electricity generation activities.
 - Amending CE – P5 to refer to the size, scale and nature of the activity and that significant adverse effects on a range of values are appropriately managed. This provides better linkage to the notified Plan rules that address these issues.
 - Amending CE – P6 to outline that existing settlements and urban areas and the areas on their periphery where they might expand are already modified.
 - Creating a new policy CE – P7 so it becomes a standalone policy for areas of HCNC (as OCNC is dealt with in earlier policies).
 - Moving the notified Plan CE – P7 into the Public Access chapter as PA – P2.
 - Specifically providing for the minor upgrade of the National Grid in Policy CE – P8.
13. In terms of the Rules the following key changes are outlined below. The combined effects of these changes are a reduction in stringency of rules outside of the outstanding areas and an increase in stringency within outstanding areas.

For Permitted Activities

- Providing for minor upgrade as part of the Permitted Activities in the HCNC and OCNC overlay areas (CE – R1) (decrease in stringency from notified TTPP)
- Specifically providing for ancillary buildings associated with Māori Purpose Activities and Poutini Ngāi Tahu Activities in all parts of the Coastal Environment (including areas of HCNC and OCNC) (decrease in stringency from notified TTPP)
- Including the Open Space Zone and Natural Open Space Zone within the areas that height and gross ground floor area limits apply to (increase in stringency from notified TTPP)
- Putting in place a requirement that new buildings are setback 25m from Mean High Water Springs (increase in stringency from notified TTPP)
- Providing for a new residential dwelling of 150m² ground floor area to be built on any existing site without a dwelling in the HCNC (decrease in stringency from notified TTPP)
- Amending CE – R6 in relation to natural hazard mitigation structures to make this clearer and able to be enforced (the notified Plan had some uncertainty in the rule which is not allowable for Permitted Activities)
- Amending CE – R7 in relation to earthworks in HCNC so that renewable electricity generation and installation of new network utility infrastructure outside of a road reserve is no longer included (increase in stringency)
- Amending CE – R7 so that earthworks associated with buildings Permitted by Rule CE – R5 are permitted (decrease in stringency)

- Amending rules CE – R8 and CE – R9 in the Outstanding Coastal Environment Area and clarifying the requirements (no effect on in stringency)
- Amending rule CE – R11 on the Outstanding Coastal Environment around earthworks to restrict these to within the existing area of modified ground (increase in stringency) and provide for earthworks for additions to lawfully established buildings or structures (decrease in stringency)

Activities Requiring Resource Consent

- Amending rule CE – R12 in the HCNC and Outstanding Coastal Environment so that new natural hazard mitigation structures are a Restricted Discretionary rather than Controlled Activity (increase in stringency). The deletion of CE – R17 is a consequential amendment to this recommendation.
- Amendments to other restricted discretionary activity rules (CE – R13, CE- R14, CE – R15, CE – R18 to have additional matters of discretion reflecting the requirements of the NZCPS/WCRPS.
- Adding a new Restricted Discretionary Activity rule for afforestation with Plantation forestry where this requires clearance of indigenous vegetation beyond the Permitted Activity (increase in stringency)
- Amending CE – R21 so it does not apply to the HCNC overlay (reduction in stringency)
- Amending CE – R21 so that it only refers to earthworks and creating a new Rule CE – R22A that is a non-complying activity for buildings and structures not meeting other rules in the OCNC Overlay (increase in stringency)

Subdivision

- There are no substantive changes recommended to the subdivision rules for the coastal environment.
14. In terms of the Schedules, there are a range of changes recommended to update the schedules, delete the areas that have been removed as a result of the mapping changes and provide more descriptive information about the scheduled areas.

OUTSTANDING MATTERS RECOMMENDATION REPORT

15. The Outstanding Matters Recommendation Report provides recommendations in relation to 91 submissions points and 39 further submissions reports. These were submissions that were mis-allocated and so not heard in earlier hearings.
16. This report also addresses some matters that have arisen across the topics where the commissioners recommend some plan wide amendments.
17. The key recommendations from this report are:
- Amendment of the definition of approved building platform to include building platforms “otherwise allowed under the Building Act or Regulations”
 - Amending or deleting ultra vires (illegal) limited notification clauses
 - Minor amendments to the Ecosystems and Biodiversity and Rural Zones overview
 - Amendments to the recession plane requirements so that they are only in place where residential or recreational amenity could be affected across all zones (reduction in stringency)
 - Providing text in the schedules to explain the link to the maps
 - Recommending that corrections of a minor nature or typos in the recommendations from all topics by the Hearings Panel are able to be undertaken prior to notification of the Plan.

NEXT STEPS

18. This report provides an overview of the Coastal Environment and Outstanding Matters recommendations reports from the Independent Hearings Panel for the TTPP. A separate report on this agenda outlines the process and recommendations around adopting the recommendations from the reports.