

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Coastal Environment - Te Taiao o te Takutai

Hearing Dates:

22 and 23 October 2024 (Westport)

30 and 31 October 2024 (Hokitika)

HEARING PANEL

Dean Chrystal (Chair)

Anton Becker

Maria Bartlett

Paul Rogers

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CONTENTS

PART A – INTRODUCTORY MATTERS	3
1. Preliminary Matters	3
1.1. Introduction	3
1.2. Terminology in this Report	5
1.3. Appearances	7
1.4. Overview of submitter evidence and statements received	7
1.5. Right of Reply	10
1.6. Procedural Steps and Issues	10
1.7. Site Visits	10
PART B - STATUTORY REQUIREMENTS AND DOCUMENTS	11
PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECCOMENDATIONS	12
2. Definitions	12
3. Coastal environment	14
3.1. Coastal Environment Whole Chapter	14
3.2. Coastal Environment Overview	18
3.3. Coastal Environment Objectives	23
3.4. CE Policies	32
3.5. CE Rules that affect the whole coastal environment	54
3.6. Permitted activities in the High Natural Character Overlay	77
3.7. Permitted Activities in the Outstanding Coastal Environment Area	87
3.8. Other Rules for the High Natural Character and Outstanding Coastal Environment Area Overlays	99
3.9. Submissions on Rule CE – R20 Afforestation with Plantation Forestry in the Outstanding Coastal Environment Area or any Significant Natural Area identified in Schedule Four in the Coastal Environment	118
3.10. Rule CE – R22 Activities in the Coastal Environment that would destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding	120
3.11. Submissions on Rule SUB - R16, SUB - R17 and SUB - R24.	122
3.12. Planning Maps and Schedules - Natural character overlays	124
3.13. Planning Maps and Schedules - Coastal Environment Overlay	145

APPENDICES

Appendix 1 - Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to the Hearing Panel’s recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or ‘the Plan’) are recorded and addressed in Recommendation Report 1.
2. This Recommendation Report relates to the **Coastal Environment - Te Taiao o te Takutai (CE)** Chapter of the pTTPP; and contains the Hearing Panel’s evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on this section in Part 2, relevant definitions in Part 1, Schedules Seven and Eight in Part 4 Appendices, and the planning maps locating these landscapes and features of the Plan.
3. The Section 32 Report¹ provided an evaluation of the options for the management of the Coastal Environment through the combined Plan, including the regulatory framework, key resource management issues, the evidence base (research and basis for identifying areas of Outstanding Natural Coastal Character, and High Natural Coastal Character), consultation, information and analysis undertaken, and evaluation of the options.
4. The Section 42A Officer’s Report² (‘s42A Report’), authored by Ms Lois Easton, a planner with Kererū Consultants acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in Appendix 1 and the recommendation on all submissions as to either accept, accept in part or reject in Appendix 2).
5. Ms Easton subsequently provided a supplementary statement³, which amended her recommendations in relation to the application of the Coastal Environment to urban areas of Westport, Hokitika and Greymouth, following discussions on Day 1 of the hearing.
6. The s42A Report assessed a total of 1223 submissions points and 211 further submissions points on the Coastal Environment topic overall, including Schedules Seven and Eight and the planning maps.
7. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues for each of the chapter:
 - Definitions;
 - Chapter as a whole and overview;
 - Objectives;
 - Policies;
 - Rules; and

¹ Te Tai o Poutini Plan – Section 32 Evaluation Report Five Natural Environment Values – Ngā Uara Taiao Aotūroa Ecosystems and Biodiversity -Ngā Pūnaha Rauropi me te Kanorau Koiora Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa Coastal Environment – Te Taiao o te Takutai Natural Character and Water

² Te Tai o Poutini Plan Section 42A Officer’s Report Coastal Environment

³ Te Tai o Poutini Plan Supplementary Statement from Reporting Officer Coastal Environment

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

- Planning Maps and Schedules.
8. This Recommendation Report follows this same structure of the s42A Report and provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.
 9. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the decision and records all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~striketrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan shown in Appendix 1 of this Report must prevail.
 10. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Report or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.
 11. Where the Panel recommends the TTPP provisions should remain as notified, it is because:
 - (a) The Panel has adopted the reasoning and recommendation of the s42A Report or supplementary statement to retain the provision as notified; or
 - (b) The Panel has adopted the reasoning and recommendation to retain the provision as notified as recommended in the Reporting Officer's reply evidence; or
 - (c) The Panel has recommended to retain the provision as notified for reasons set out in this Recommendation Report.
 12. Where there is a recommended change to a notified provision of the TTPP, it is because:
 - (a) The Panel has recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or
 - (b) The Panel adopted the reasoning and recommendation of the s42A Report to change the provision to that recommended in the original s42A Report; or
 - (c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or
 - (d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).
 13. Where there may be a different recommendation between the s42A Report and the Reporting Officer's supplementary statement or reply evidence (i.e. the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original s42A Report's reasoning and recommendations,

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai**

the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.

14. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submissions to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.
15. If any changes are recommended to the provisions (since the Section 32A Report was completed) a further evaluation if required pursuant to section 32AA of the RMA has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.
16. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any minor amendments.

1.2. Terminology in this Report

17. Throughout this Report, the following abbreviations will be used:

Bathurst	Bathurst Resources Limited and BT Mining Limited
BCZ	Buller Coalfield Zone
BDC	Buller District Council
CE	Coastal Environment
Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
DOC	Department of Conservation
ECO	Ecosystems and Indigenous Biodiversity
EIT	Energy, Infrastructure and Transport
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
Hort NZ	Horticulture New Zealand
KiwiRail	KiwiRail Holdings Limited

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

Manawa	Manawa Energy Limited
MINZ	Mineral Extraction Zone
NESCF	National Environmental Standard for Commercial Forestry
NESCS	Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
NESETA	Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
NESF	National Environmental Standard for Freshwater
NFL	Natural Features and Landscapes
NPSIB	National Policy Statement for Indigenous Biodiversity
NPSFM	National Policy Statement for Freshwater Management 2020
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement
ONF	Outstanding Natural Feature
ONFL	Outstanding Natural Features and Landscapes
ONL	Outstanding Natural Landscape
Planning Standards	National Planning Standards
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
pTTPP or the Plan	Proposed Te Tai Poutini Plan
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
RSI	Regionally Significant Infrastructure
SASM	Sites and Areas of Significance to Māori

SNA	Significant Natural Area
Te Tumu Paeroa	The Office of the Māori Trustee
Transpower	Transpower New Zealand Limited
Waka Kotahi NZTA	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WDC	Westland District Council

1.3. Appearances

18. The following submitters appeared at the hearing:

Director General of Conservation ('The Director General')

- Mr Matt Pemberton, Counsel
- Mr Murray Brass, Senior Planner

Ms Lynne Lever & Mr Greg Tinney for themselves

Mr Neil Mouat for himself

Mr Vance Boyd for himself

Bathurst Resources Limited and BT Mining Limited ('Bathurst')

- Mr Campbell Robertson, Environmental Manager for Bathurst Resources Limited
- Ms Claire Hunter, Planner

Westpower Limited

- Mr Martin Kennedy, Planner

Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu ('Poutini Ngāi Tahu')

- Ms Rachael Pull, Senior Environmental Advisor

Mr Dean van Mierlo for himself

Ms Frida Inta for herself and on behalf of the **Buller Conservation Group**

Nikau Deer Farm Limited - Mr George Coates

1.4. Overview of submitter evidence and statements received

19. Legal submissions were received from Mr Matt Pemberton for the Director General (dated 7 October 2024).
20. For those appearing at the hearing the following evidence and/or statements were received:
- (a) Ms Claire Hunter, Planner for Bathurst (dated 23 September 2024);

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

- (b) Mr Murray Brass, Planner for the Director General (dated 18 September 2024);
 - (c) Mr Philip James McKinnel, on behalf of Birchfield Coal Mines Ltd (date 23 September 2024);
 - (d) Mr Martin Kennedy, planner for Westpower Limited (dated 12 February 2024);
 - (e) Mr Leicester Murray, landscape architect for Karamea Lime Co Ltd (dated 12 February 2024);
 - (f) Ms Ngahuia Huirama, Ms Vanesa Griffiths and Ms Hannah McKinlay for Te Tumu Paeroa - The Office of the Māori Trustee;
 - (g) Mr Murray Stewart (received 4 March 2024) on behalf of himself;
 - (h) Mr Paul Lynch (dated 22 February 2023) on behalf of Mitchells 2021 Ltd;
 - (i) Mr Dean van Mierlo (dated 22 February 2023) on behalf of himself;
 - (j) Ms Rachael Pull (dated 19 September 2024), for Poutinin Ngāi Tahu;
 - (k) Mr Geoff Volckman, Director (dated 11 March 2024) on behalf of Karamea Lime Co Ltd;
 - (l) Mr George Coates on behalf of Nikau Deer Farm Ltd;
 - (m) Mr Hadley Mills (dated 19 March 2024) on behalf of himself; and
 - (n) Ms Frida Inta (dated 19 March 2024) on behalf of Buller Conservation Group and herself.
21. Following the receipt of the s42A Report and the Addendum to the s42A Report:
- (a) Waka Kotahi NZTA⁴ advised it did not intend to appear at the hearing and provided a statement to be tabled as a record of their position. Waka Kotahi NZTA continued to seek that CE-P3 should more broadly capture critical infrastructure or regionally significant infrastructure where it has an operational and/or functional need within the Coastal Environment. It supported the s42A Report recommendations on their other submission points.
 - (b) Silver Fern Farms⁵ confirmed they accepted the recommendations in the s42A Report and did not intend to file evidence or appear at the hearing.
 - (c) Transpower advised⁶ it did not intend to appear at the hearing and that it accepted the recommendations on nine of 12 of its original submission points. The letter provided further commentary on the outstanding submission points.
 - (d) Horticulture New Zealand (Hort NZ) did not attend the hearing and provided an industry statement by Ms Emily Levenson, Environmental Policy Advisor (dated 2 February 2024). Ms Levenson confirmed that Hort NZ continued to seek an amendment to NFL-R1 to provide for rural production activities to support NFL-P1, which provides for lawfully

⁴ Letter from Stuart Pearson, Senior Planner, Poutiaki Taiao / Environmental Planning, System Design, on behalf of Waka Kotahi New Zealand Transport Agency, dated 23 September 2024.

⁵ Letter from Steve Tuck, Mitchell Daysh Ltd dated 9 September 2024

⁶ Letter from Rebecca Eng, Technical Lead – Policy, Transpower New Zealand Limited dated 18 September 2024.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

established horticultural activities in areas of Outstanding Natural Features and Landscapes (**ONFL**).

- (e) KiwiRail provided a letter⁷ that confirmed it would not be filing evidence or attending the hearing. The letter indicated that KiwiRail continued to seek amendments to NFL-P1, NFL-P3 and NFL-R1, but accepted the Reporting Officer's recommendations in relation to NFL-P2, NFL-P5 and NFL-R6.
- (f) Terra Firma Mining Limited (Terra Firma) provided a letter⁸ confirming that it would not be filing evidence and did not wish to be heard at the hearing. The letter provided responses to the s42A Report recommendations on Terra Firma's submission points, which were essentially in support of the changes proposed.
- (g) Mr Chris Horne, Planner on behalf of Chorus, Spark, One NZ and Forty South advised⁹ that the Telecommunication Companies wished to record their support for the s42A Report recommendations in relation to all of their submissions on this topic and confirmed they would not be filing any evidence. Mr Horne noted that in terms of NFL-R8 the Reporting Officer agreed with the submission (in paragraph 274 of the s42A Report), but that this recommended change had not flowed through to paragraph 280 and Appendix 1 of the s42A Report, which he assumed was an error.
- (h) WCRC provided a letter¹⁰ indicating that they did not wish to appear at the hearing, but noted they had provided written evidence that addressed the mapping of ONL54 in relation to a Council-managed quarry and various provisions relating to it. WCRC sought changes to NFL-R2(2) and (2)(a) and ECO-R1 (5)(i) to address their concerns. The evidence noted that the Council still intended to reodge a Notice of Requirement seeking that designation for its assets, including quarries, be added to the pTTPP. However, it stated that if the changes sought in WCRC's submission and written evidence relating to its assets were within scope and were accepted by the Hearing Panel, the Council may not need to seek the designation.
- (i) Legal Counsel for Russell Robinson and Brunner Builders Limited, Ms Kelsey Barry, filed a memorandum (dated 12 February 2024) along with a statement of evidence by Russell Robinson (dated 12 February 2024). The memorandum sought leave to present the brief in the Settlement Zone Hearing, alongside other technical evidence for the site-specific zoning.

Note: Leave was granted

22. Following the hearing, subsequent information was received as follows:

- (a) Additional mapping material from Mr Mouat (dated 16 May 2024);
- (b) A supplementary statement of planning evidence from Ms Styles for Manawa (dated 27 March 2024);
- (c) A response on behalf of the Director General (dated 21 March 2024) from Mr Pemberton to questions from the Panel;

⁷ Letter from Sheena McGuire, Senior RMA Advisor, KiwiRail dated 7 February 2024

⁸ Letter from Lucy Smith, Managing Director dated 19 February 2024

⁹ Letter from Chris Horne, Consultant Planner dated 23 January 2024

¹⁰ Letter from Selva Selvarajah, Acting Planning Manager for West Coast Regional Council dated 2 February 2024.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai**

- (d) A joint statement of position and recommendations to the Hearing Panel from Poutini Ngāi Tahu and Te Tumu Paeroa – the Office of the Māori Trustee (dated 14 August 2024); and
 - (e) Formal withdrawal of submission point S440.031 by Te Tumu Paeroa¹¹ in relation to NFL-P7.
23. Following the hearing, the Panel issued a Minute (Minute 21) identifying ONL where we considered specific review, over and above the general review and refinement of all ONL boundaries discussed at the hearing, was necessary. We noted that in considering the identified ONL areas, boundaries could not be extended beyond what was notified, unless this was sought in submissions, but that ONL could be reduced from that notified.

1.5. Right of Reply

24. Ms Easton provided a written Right of Reply (dated 3 February 2025) including an updated Appendix 1 showing tracked changes to the notified provisions (Appendix 1).

1.6. Procedural Steps and Issues

25. One procedural matter arose at this hearing whereby Commissioner Chrystal stepped aside from hearing the submission by Mr Paul Lynch for Mitchells 2021 Limited due to a potential conflict of interest. The Panel records Commissioner Chrystal has taken no part in any recommendations on submissions from Mitchells 2021 Limited.

1.7. Site Visits

26. The Panel undertook region-wide site visits as part of the hearing process, including noting the general landward extent of the CE boundary.

¹¹ Letter dated 22 August 2022 to Hearing Panel from Ngahua Huirama on behalf of Te Tumu Paeroa – the Office of the Māori Trustee

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

27. Coastal Environment is one of seven chapters within the General District-Wide matters – Ngā Kaupapa ā-Rohe Whānui, which is one of seven sections located in Part 2 – District-Wide Matters – Te Wāhanga 2 – Ngā Kaupapa ā-Rohe Whānui.
28. The Section 32 Report outlined the relevant statutory considerations applicable to the coastal environment and the relationships between the sections of the RMA and higher order documents.
29. The section 42A Report highlighted the relevant section 6, 7 and 8 of the RMA, the New Zealand Coastal Policy Statement 2010 (**NZCPS**), National Policy Statement for Indigenous Biodiversity 2023 (**NPSIB**), National Policy Statement for Renewable Electricity Generation 2011 (**NPSREG**), Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (**NESETA**), Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (**NESCF**), and the National Planning Standards.¹²
30. The Panel notes the NZCPS applies with the coastal environment. We acknowledge the NPSIB states that if there is a conflict between the NZCPS and the NPSIB, the NZCPS must prevail. We note the particular relevance of Policies 11, 13, 14 and 15 of the NZCPS. We acknowledge that the NPSIB does not apply to the development, maintenance or upgrade of renewable electricity generation assets and activities, and electricity transmission network assets and activities.
31. The s42A Report highlights that the NESCF specifies the activity status for new plantation forestry within a Significant Natural Area (**SNA**) as restricted discretionary. However, it does enable a district plan to have more stringent rules to protect SNA, ONL and areas of outstanding and high coastal natural character.
32. RMA Schedule 1, clause 10 states that it is not necessary to provide decisions on individual submissions. Recommendations of the Panel are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in reasons for recommendations.
33. The Planning Standards mandatory direction 7.28 requires a Coastal Environment chapter to be provided within General District-wide matters if the district has a coastline. We are satisfied the Plan structure is consistent with this national direction.

¹² The Panel notes the NES-CF was formerly named the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 with the regulations' name being changed and further amendments made by the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECCOMENDATIONS

2. DEFINITIONS

Submissions and Further Submissions

34. Six submission points and six further submission points relating to definitions were summarised in a Table on pages 16-17 of the s42A Report.
35. Four submission points sought amendments to the ‘*General Coastal Environment Area*’ definition. One further submission opposed an amendment and one supported an amendment.
36. One submission sought to amend the ‘*Coastal Environment*’ definition. Three further submissions opposed this amendment and one supported the amendment.
37. One submission sought inclusion of a new definition.
38. The Panel has considered the relevant submissions and further submissions received and adopts the summaries within the s42A Report.

Section 42A Report

39. Four submission points¹³ related to the term ‘*General Coastal Environment Area*’ and sought that urban areas be more clearly excluded from the provisions. The s42A Report noted that the term ‘*general coastal environment area*’ was not defined and was referred to only within the ‘*Relationships Between Spatial Layers*’ section of the Plan. It advised that the term was a concept included in the draft plan, but had ultimately been discarded because it made the rule provisions too complex. Ms Easton supported the submissions in part and recommended removing reference to the ‘*general coastal environment area*’ from the Plan as an RMA Schedule 1 clause 16 amendment given no submissions had explicitly sought this change. She agreed the provisions should more simply exclude urban areas from the restrictions on structures and earthworks. This is discussed further below in relation to the mapping.
40. Forest and Bird (S560.059) sought that the definition of ‘*Coastal Environment*’ be amended to ‘*mean those areas described in Policy 1 of the NZCPS landward of the CMA and as shown on the Planning maps.*’, which was not supported by Ms Easton. She noted her recommendation to remove the urban parts of Hokitika, Greymouth and Westport from Coastal Environment overlay planning maps so that these areas were not regulated by the Plan under Policy CE-P1.
41. Ms Easton did not support a submission from Forest and Bird (560.414) that sought the use of the WCRPS definition of “*significant indigenous biological diversity*” be added to the Plan and used within this Chapter because she considered indigenous biodiversity was covered in the Ecosystems and Indigenous Biodiversity (ECO) Chapter. She noted the appropriate definitions around indigenous biodiversity were considered in the s42A Report for that Chapter and Ms Easton did not see the value of introducing another definition.

Hearing and Submitter Evidence/Statements

42. Mr Martin Kennedy provided evidence for Westpower acknowledging the s42A Report recommendation to remove the term ‘*general coastal environment area*’ and to exclude

¹³ Westpower Limited (S547.012, S547.013, S547.014), Grey District Council (S608.004)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

urban areas from the provisions, although he had some concerns regarding the mapping. He generally accepted the recommendations, but also sought that network utility operators be added to the definition for ‘Statutory Agency’ so that permitted activity rules for work carried out by statutory agencies applied to these entities.

Reporting Officer Reply Evidence

43. In Reply, Ms Easton noted the Planning Standards create a framework for the overlays and that the relationships between the overlays was described in the ‘Relationship Between Spatial Layers’ section of the ‘Introduction’ of the Plan. She noted the Coastal Environment overlay should be listed in this section and recommended this error was corrected using the scope of the Forest and Bird submission, as follows:

Coastal Environment Extent of area that meets Policy 1 of the NZCPS. The coastal environment extends from Mean High Water Springs inland over the mapped area as shown on the Planning Maps.

44. Ms Easton recommended the proposed definition of ‘Statutory Agency’ be amended as follows:

STATUTORY AGENCY

*means in relation to construction of natural hazard mitigation structures, a District or Regional Council, Waka Kotahi – New Zealand Transport Agency, Transpower New Zealand, KiwiRail New Zealand, the Department of Conservation **or any network utility operator.***

45. In response to the evidence of Mr Kennedy, Ms Easton noted that his concern about the lack of a definition of ‘minor upgrade’ had been remedied by her recommendation in the Landscape and Natural Features s42A Report, which recommended the following definition be included:

Minor upgrade means increasing the carrying capacity, efficiency, security, or safety of a network utility, or renewable electricity generation activity where the effects of the activity are the same or similar in character, intensity in scale as the existing structure or activity. This includes increasing generation, transmission or distribution capacity and includes replacing support structures within the footprint of existing lawfully established activities.

46. Ms Easton considered that this definition ensures appropriate provision is made for electricity distribution activities.

Hearing Panel’s Evaluation

47. The Panel accepts Ms Easton’s analysis of the submission and further submission points and recommendations. We recommend the amendments shown in Appendix 1 of the Right of Reply. The Panel agrees with Forest & Bird that the Coastal Environment overlay should encompass the urban areas of Westport, Greymouth and Hokitika, and that the matter of policy apply to these areas should be separately addressed. The Panel understand the need to give effect to Policy 6(c) of the NZCPS, which clearly envisages the presence of urban areas in the coastal environment and the need to manage them so that they are consolidated. Based on accepting Ms Easton’s revised recommendation no changes to the Coastal Environment is required.

48. The Panel notes the Panel recommends adding a new definition for ‘areas of significant indigenous biodiversity’ in the ECO Recommendation Report, which includes any area that

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

meets the significance criteria in WCRPS, Appendix 1. The Panel therefore accepts submission point S560.414 and considers this provides scope to consider the use of this term in the CE Chapter, where appropriate to give effect to the NZCPS and in particular Policy 11.

Hearing Panel’s Recommendation

49. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Relationship between Spatial Layers Chapter – Overlays and Definitions** sections in the Plan as follows:

Relationship between Spatial Layers Chapter	
Overlays	
Name	Description
General Coastal Environment Area	Areas of the coastal environment outside of the urban area where human values dominate over natural character
Coastal Environment	<u>Extent of area that meets Policy 1 of the NZCPS. The coastal environment extends from Mean High Water Springs inland over the mapped area as identified in the Planning Maps.</u> ¹⁴
Definitions	
STATUTORY AGENCY	
means in relation to construction of natural hazard mitigation structures, a District or Regional Council, Waka Kotahi – New Zealand Transport Agency, Transpower New Zealand, KiwiRail New Zealand, the Department of Conservation <u>or any network utility operator.</u> ¹⁵	

3. COASTAL ENVIRONMENT

3.1. Coastal Environment Whole Chapter

Submissions and Further Submissions

50. Thirteen submission points and six further submission points relating to the chapter as a whole were summarised in a Table on pages 17-18 of the s42A Report. Twelve submission points sought amendments, and one was in opposition and sought that the section be deleted.
51. The Panel has considered the relevant submissions and further submissions received and adopts the summaries of each within the s42A Report.

Section 42A Report

52. Ms Easton did not support the submission from GE and CJ Coates on behalf of Nikau Deer Farm Ltd (S415.008) that sought to delete the Chapter because they considered the coastal

¹⁴ Royal Forest and Bird Protection Society of New Zealand Inc S560.059, Grey District Council S608.004, Westpower Limited S547.547.014

¹⁵ Westpower Limited S547.0509

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel

General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

environment had been incorrectly defined. She noted the NZCPS requires district plans to manage the coastal environment and to give effect to the NZCPS and WCRPS. She noted NZCPS Policy 1 sets out how the coastal environment should be defined and that a landscape and natural character assessment was undertaken by Brown Ltd to identify its extent. She highlighted this assessment had subsequently been reviewed by Ms Gilbert and had informed her recommendations on the coastal environment boundary. On this basis, Ms Easton considered the coastal environment boundary was appropriate to be included in the Plan, subject to her recommended amendments.

53. Buller Conservation Group (S552.126 and S552.012) and Frida Inta (S553.012) sought that the Coastal Environment Chapter be relocated in the Natural Environment Values section of the Plan. Ms Easton did not support this because the Planning Standards require this chapter to be in the General District-Wide Matters section, but she agreed that the Natural Environment Values section would be a logical and sensible place for the chapter to be located.
54. Ms Easton supported submission points from Forest and Bird (S560.002), John Caygill (S290.006) and Riarnne Klempel (S296.006) that sought amendments to the chapter to align with the NZCPS. She did not propose any specific relief, but noted that she would consider amendments to achieve this in the individual provisions.
55. Ms Easton supported a submission from the Director General (S602.140) that sought for the offshore islands to be zoned and included within the coastal environment because the omission from the maps was a mapping error. She considered these islands should be zoned Open Space Zone and included in the coastal environment, noting that the Open Bay Islands had also been identified as an area of Outstanding Coastal Natural Character (**OCNC**) (NCA12) and were listed as such in Schedule Eight, but not shown on the maps.
56. Ms Easton did not support a submission point from GDC (S608.080) that sought all references to Sites and Areas of Significance to Māori (**SASM**) be deleted from the chapter, for the reasons outlined in previous s42A Reports and as discussed in detail in the Sites and Areas of Significance to Māori s42A Report.
57. Westpower (S547.0509, S547.404, S547.405) sought that the identification of outstanding natural features, landscapes character (including high natural character) appropriately recognised and provided for the existing energy activities and infrastructure located within them, and that the associated provisions adequately recognise the importance of these activities and infrastructure to the community and the environment within which they must locate or traverse. Ms Easton supported these submissions in part because she considered existing energy activities and infrastructure were appropriately recognised and provided for, subject to the amendments she proposed to specific provisions.

Hearing and Submitter Evidence/Statements

58. Ms Inta presented a statement at the hearing on behalf of herself and Buller Conservation Group. She noted there was no mention of cumulative adverse effects in the coastal environment provisions. She considered that the Overview needed to include '*NC - Natural Character and Margins of Waterbodies*', or instead of listing chapters the Overview could say: '*the chapters within Part 2: Natural Environment Values*'.
59. Mr Kennedy, for Westpower, noted that Westpower's submissions on the chapter as a whole were not specifically discussed in the s42A Report, and he sought that infrastructure and energy activities be fully considered throughout.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel

General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

60. Mr Matt Pemberton, Counsel for the Director-General, presented legal submissions outlining concerns that the Panel may find that the WCRPS does not 'cover the field' in relation to the coastal environment and lacked detail in some areas to give effect to national direction of the NZCPS. He urged the Panel to ensure the Plan gives full effect to the NZCPS.
61. Mr Murray Brass provided evidence at the hearing on behalf of the Director General. He noted that neither the s32 Report, nor the s42A Report, addressed NZCPS Policy 11 (Indigenous Biological Diversity). He considered that this policy was relevant to the Coastal Environment provisions. He acknowledged and supported the s42A Report recommendation to include offshore islands in the mapping.
62. Mr George Coates, for Nikau Deer Farm Limited, spoke at the hearing in support of their submission and provided two written statements. He requested removal of the OCNC (NCA40) from their property due to inaccuracies in the 'desktop' mapping which had included land on their property that had been 'humped and hollowed'. He acknowledged that he had seen some changes to the boundaries, but did not want any of the property within the OCNC.

Reporting Officer Reply Evidence

63. In response to Panel questions on whether the WCRPS was consistent with the national direction in NZCPS Policy 6, Ms Easton stated:

Within the WCRPS this wider policy direction from the NZCPS has been incorporated into Objective 2 and policies 2, 3 and 4 of the coastal environment chapter. The WCRPS has used the phrase "technical, functional or operational needs" in relation to renewable electricity generation (Policy 4) and in relation to wider subdivision, use and development in Policy 3. Considering the full text of Policy 6 I do not consider the objective or policies of the WCRPS to be inconsistent with the approach outlined in Policy 6 of the NZCPS.

64. Ms Easton clarified the link between the rules and maps of the scheduled areas. She explained that the Plan had been drafted so that the rules referred to the schedules, which describe the areas, and the extent of the scheduled areas is shown in the maps. In response to submissions, she recommended removing 'as identified in schedule xx' from the rules to avoid confusion that only the schedules should be referred to. She noted that there was no specific link between the rules and the maps and considered that the introduction to the schedules should state that the area is shown on the planning maps by adding the following statement:

This schedule describes the areas identified as meeting the criteria of being a Historic Heritage Item or Area/Archaeological Site/Notable Tree/Site or Area of Significance to Māori/Significant Natural Area/Outstanding Natural Landscape/Outstanding Natural Feature/High Coastal Natural Character/Outstanding Coastal Natural Character. These areas are mapped on the Planning Maps which show the extent of the areas described in the schedule and to which the Rules apply.

65. In response to Mr Coates, Ms Easton clarified that CE-R4 would apply to the property, and noted that his concerns regarding restrictions on structures would be considered in relation to the rule and the boundaries of NCA40.

Hearing Panel's Evaluation

66. The Panel accepts Ms Eason's analysis of the submissions and further submission points and recommendations. We recommend the amendments shown in Appendix 1 of the Right of

Reply, with minor amendments to the wording for the introductory statement for the schedules.

67. The Panel agrees that it is appropriate to clarify the link between the rule, schedules and the planning maps by adding an introductory statement at the beginning of each schedule. We consider this is an RMA Schedule 1, clause 16 clarification.
68. The Panel considers Mr Coates' concerns below in relation to the boundaries of OCNC (NCA40), and Rule CE-R4. We do not consider any further amendments are required in response to the whole chapter. We acknowledge that the CE Chapter is required by the Planning Standards and gives effect to the national direction of the NZCPS and the regional direction of the RPS.
69. The Panel considers that submission point S560.002 provides scope to make amendments to the provisions to align with and give effect to the NZCPS. We consider this in relation to each provision below. We also consider the alignment of the WCRPS with the NZCPS in relation to each provision below. We note the further submission points (FS104.606, FS150.034, FS215.035 and FS222.0276) opposing S560.002 and reject these, given we are required to give effect to the objectives and policies in the NZCPS.

Hearing Panel's Recommendation

70. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Planning Maps** and **Schedules** in the Plan as follows:

Planning Maps

The offshore islands are shown on the planning maps and are zoned Open Space Zone and included within the Coastal Environment.¹⁶

The Open Bay Islands (NCA12) are shown on the maps as Outstanding Coastal Natural Character.¹⁷

Schedules

That the following statement is added as an introductory statement to Schedule Seven:

This schedule describes the areas identified as meeting the criteria for High Coastal Natural Character. These areas are mapped on the Planning Maps, which show the extent of the areas described in the schedule and to which the rules apply.¹⁸

That the following statement is added as an introductory statement to Schedule Eight:

This schedule describes the areas identified as meeting the criteria for Outstanding Coastal Natural Character. These areas are mapped on the Planning Maps, which show the extent of the areas described in the schedule and to which the rules apply.¹⁹

¹⁶ Director General of Conservation S602.140

¹⁷ Director General of Conservation S602.140

¹⁸ RMA Schedule 1, clause 16(2)

¹⁹ RMA Schedule 1, clause 16(2)

3.2. Coastal Environment Overview

Submissions and Further Submissions

71. Eight submission points and seven further submission points relating to the Overview were summarised in a Table on pages 21-23 of the s42A Report. One submission point supported the Overview as notified and seven sought amendments. Six further submission points supported some of the amendments and one opposed an amendment.
72. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

73. Ms Easton acknowledged the submission point from Waka Kotahi NZTA (S450.145) in support.
74. Ms Easton did not support a submission from West Coast Penguin Trust (S275.006 and S275.015) that sought to add ‘or other vegetation where it provides habitat for indigenous species’ to the end of the Overview. She considered that the statement was incorrect because the ECO Chapter did not include provisions for non-indigenous vegetation.
75. WMS Group (599.073) sought to add text stating that there were a significant range of activities in the coastal environment, some of which have a functional or operational need to locate there. Westpower (S547.406) sought to add a new paragraph addressing the development of energy activities and infrastructure, the importance of these to the community and referencing the NZCPS, NPSREG and WCRPS. Ms Easton supported these submissions in part and acknowledged they provided useful contextual information to be included in the Overview. However, she recommended adding simplified wording as follows:

*The narrow strip of land between the mountains and the sea in the West Coast/Te tai o Poutini means that most of the community lives on or near the coast – with three of the four major towns and many small settlements being located on or near the coast. **In parts of the coastal environment a significant level of development, infrastructure and other activities occur, including where these have a functional or operational need to locate in the coastal environment. Many of these activities are integral components in ensuring resilience, and enabling the social, cultural and economic wellbeing of communities throughout the West Coast.***

76. Ms Easton supported a submission from Westpower (S547.407) that sought to add reference to the strategic objectives in the ‘Other Poutini Ngāi Tahu Provisions’ section of the Overview because she considered this was a useful cross reference.
77. Ms Easton supported in part the submission from Forest and Bird (S560.077) that sought clarification in the overview of the approach taken to mapping the Coastal Environment overlay in the planning maps. She noted the methodology was described in West Coast Landscape and Natural Character Study 2012 and 2013: Explanation of Assessment Methodologies” - located in the technical reports online at <https://tppp.nz/wp-content/uploads/2022/01/West-CoastRegion-ONL-Natural-Character-Assessment-Report-2021.pdf>. She did not recommend repeating that information in the Overview but considered some explanation would be useful as follows:

Approach to managing the coastal environment

*Te Tai o Poutini Plan must give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS), which requires a strategic approach to managing development on the West Coast/Te Tai o Poutini. Te Tai o Poutini Plan achieves this by identifying and mapping a Coastal Environment overlay **on the planning maps** that recognises the **landward** extent and characteristics of the coastal environment where coastal natural character and coastal processes (including coastal erosion), influences or qualities are significant. **This extent was determined with reference to Policy 1 of the New Zealand Coastal Policy Statement (2010). Within this coastal environment areas of High Coastal Natural Character (HCNC), Outstanding Coastal Natural Character (OCNC) and Outstanding Natural Landscapes (ONLs) within the Coastal Environment are also identified and mapped as overlays in the Plan.** Within this coastal environment close collaboration with other bodies and agencies with functions relevant to the coastal environment is required*

78. Ms Easton supported in part a submission from Forest and Bird (S560.529) that sought for the Overview to clearly set out how NZCPS Policy 11 was given effect to, and explain the relationship between vegetation clearance and NZCPS Policies 13 and 15 as these were addressed in the CE Chapter. She noted that the role of the Overview was not to provide information on how policy is interpreted. She also noted that Policy 11 relates to indigenous biodiversity, which was principally implemented through the ECO Chapter. She recommended the following amendment to address this relationship:

The NZCPS also requires a high level of protective management of indigenous biodiversity in the coastal environment. Provisions for indigenous vegetation and biodiversity management within the coastal environment are located in the Ecosystems and Biodiversity Chapter.

79. Ms Easton did not support the submission point from the Director General (S602.137) that sought amendments to paragraph 3 to state that adverse effects on the coastal environment were appropriately managed through TTPP rules because she considered this unnecessary.
80. Ms Easton recommended an amendment to the Overview to cross-reference the Energy, Infrastructure and Transport chapters of the Plan and to clarify the application of these rules. This recommendation was made in response to a submission point from Transpower (S299.069) that sought amendments to state the rules in the CE Chapter do not apply to energy activities, which was summarised in relation to the rules.

Hearing and Submitter Evidence/Statements

81. The letter from Transpower noted support for Ms Easton's recommended amendment to the Overview, but considered the reference to 'district wide rules' was confusing because other provisions, including objectives and policies, also applied. It stated that the proposed wording was inconsistent with the wording of corresponding sections of the Energy Chapter Overview. Transport requested the wording be amended as follows:

*Energy, Infrastructure and Transport – These chapters contain the objectives, policies, **and** rules for managing energy activities, infrastructure and transport. These apply alongside the ~~District Wide rules including the Coastal Environment provisions~~ within this chapter.*

82. Mr Kennedy, for Westpower, noted that the s42A Report recommendations (paragraph 78) made in response to Westpower's submission point on the Overview differed from those shown in Appendix 1. He confirmed that he agreed with the revised wording in Appendix 1.

Reporting Officer Reply Evidence/Statements

83. In her Right of Reply, Ms Easton confirmed that she recommended the following changes to the Overview. She considered these could be made as a RMA Schedule 1, clause 16 amendment given the Overview had no statutory weight, as follows:

*The NZCPS also requires ~~a high level of protective management~~ **protection** of significant indigenous biodiversity **and the avoidance of significant adverse effects on all indigenous biodiversity values** in the coastal environment. Provisions for indigenous vegetation and biodiversity management within the coastal environment are located in the Ecosystems and Biodiversity Chapter.*

84. The Panel requested that Ms Easton review the amended overview text and confirm her recommended changes. In response, Ms Easton advised that in her opinion the description of the NZCPS and its requirements could be improved. As the Overview has no statutory weight, she considered this change could be made as an RMA Schedule 1, clause 16 amendment. She recommended the following amended text:

Overview

*The NZCPS also requires ~~a high level of protective management~~ **protection** of **significant indigenous biodiversity** **and the avoidance of significant adverse effects on all indigenous biodiversity values** in the coastal environment. Provisions for indigenous vegetation and biodiversity management within the coastal environment are located in the Ecosystems and Biodiversity Chapter*

Hearing Panel's Evaluation

85. The Panel accepts Ms Eason's analysis of the submission and further submission points and recommendations in relation to the Overview. We recommend the amendments shown in Appendix 1 of the Right of Reply, with additional amendments to give effect to the NZCPS and RPS.
86. The Panel consider the recommended addition to the third para should include '*protection of areas of significant indigenous biodiversity*' to align with the NZCPS and RPS. We note the recommended Plan definition for '*areas of significant indigenous biodiversity*' includes significant indigenous vegetation and the significant habitats of indigenous fauna that meet the significance assessment criteria in WCRPS Appendix 1.
87. The Panel also considers the fourth paragraph should use the language of the NZCPS and RMA s6, which is '*The preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development*'. Similarly, we consider the second sentence should be '*preserve and protect*' as is not natural character that is '*managed*', it is the adverse effects of inappropriate activities on natural character that must be managed.
88. The Panel considers the reference to the Strategic Objectives and Policies should begin with reference to '*Strategic Directions*' and the sentence shortened.
89. The Panel notes that Ms Easton did not specifically respond to Transpower's concern regarding the reference to the '*District Wide rules*' and the request to delete this to avoid confusion. We consider the reference should remain, but recommend adding '*General District-Wide provisions*' to clarify the reference is to the chapters that apply district-wide.

Hearing Panel's Recommendation

90. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Coastal Environment Overview** in the Plan as follows:

Overview

The West Coast/Te Tai o Poutini Coastline stretches from Kahurangi Point in the north of the Buller District to Awarua Point in South Westland - a distance of more than 500 kilometres. The natural character, landscape and biodiversity values of this coastal environment contribute to the distinctive and unique character of the West Coast/Te Tai o Poutini. The narrow strip of land between the mountains and the sea in the West Coast/Te Tai o Poutini means that most of the community lives on or near the coast - with three of the four major towns and many small settlements being located on or near the coast. In **parts of the coastal environment a significant level of development, infrastructure and other activities occur, including where these have a functional need or operational need to locate in the coastal environment. Many of these activities are integral components in ensuring resilience, and enabling the social, cultural and economic wellbeing of communities throughout the West Coast.**²⁰

The Buller, Grey and Westland District Councils are responsible for managing activities on land - the landward side of Mean High Water Springs (MHWS) and the West Coast Regional Council is responsible for activities in the Coastal Marine Area - the land seaward of MHWS. Integrated management is needed to manage activities that cross the jurisdictional boundary between the regional and territorial authorities, as well as with the Department of Conservation and Poutini Ngāi Tahu.

Approach to managing the coastal environment

Te Tai o Poutini Plan must give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS), which requires a strategic approach to managing development on the West Coast/Te Tai o Poutini. Te Tai o Poutini Plan achieves this by identifying and mapping a Coastal Environment overlay **on the planning maps**²¹ that recognises the **landward**²² extent and characteristics of the coastal environment where coastal natural character and coastal processes (including coastal erosion), influences or qualities are significant. **This extent was determined with reference to Policy 1 of the New Zealand Coastal Policy Statement (2010). Within this coastal environment areas of High Coastal Natural Character (HCNC), Outstanding Coastal Natural Character (OCNC) and Outstanding Natural Landscapes (ONLs) within the Coastal Environment are also identified and mapped as overlays in the Plan. The NZCPS also requires protection of areas of significant indigenous biodiversity and the avoidance of significant adverse effects on all indigenous biodiversity values in the coastal environment. Provisions for indigenous vegetation and biodiversity management within the coastal environment are located in the Ecosystems and Biodiversity Chapter.**²³ Within this coastal environment close collaboration with other bodies and agencies with functions relevant to the coastal environment is required.

Natural Character, Landscape and Natural Features

²⁰ WMS Group (HQ) Limited and WMS Land Co. Limited S599.073, Westpower Limited S547.406

²¹ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.277

²² RMA Schedule 1, clause 16(2)

²³ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.476

The ~~protection~~ **preservation**²⁴ of the natural character of the coastal environment and its **protection from inappropriate subdivision, use and development**²⁵ is a matter of national importance under the RMA and a requirement of the NZCPS. This chapter contains the overarching objective and policy framework and rules to **preserve and protect and manage**²⁶ the natural character of the coastal environment.

Because of the very high natural values associated with the coastal environment in parts of the West Coast/Te Tai o Poutini, Te Tai o Poutini Plan also identifies areas within the coastal environment which are:

- High coastal natural character detailed in Schedule Seven;
- Outstanding coastal natural character detailed in Schedule Eight.

Alongside this, there are outstanding natural landscapes in Schedule Five and outstanding natural features in Schedule Six identified in the coastal environment. Areas of outstanding natural character, outstanding natural landscape and outstanding natural features within the coastal environment are known as the Outstanding Coastal Environment Area within the rules. The rules below are grouped into different categories to reflect these different areas within the Coastal Environment.

Coastal Natural Hazards

The NZCPS also requires Te Tai o Poutini Plan to identify coastal natural hazards and to manage subdivision, use and development within areas potentially affected by coastal hazards over a 100 year timeframe, including taking into account the effects of climate change. Because of the complex interaction of natural hazards at the coast - particularly around river mouths, and the overlap with flood hazards, coastal hazard provisions are included within the Natural Hazards Chapter.²⁷

Plantation/Commercial²⁸ Forestry

Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~ **Commercial Forestry**) Regulations 2017 (NES-~~PCF~~). However, the NES-~~PCF~~ allows that district plans can ~~to~~²⁹ be more stringent in relation to any of policies 11, 13, 15, and 22 of the New Zealand Coastal Policy Statement 2010.

Policy 13 of the NZCPS relates to the preservation of natural character and therefore more stringent rules can be applied to areas with outstanding and high natural character within the coastal environment. Where provisions within this chapter over-rule the requirements of the NES - ~~PCF~~³⁰ an advice note to that effect is included within the Rule.

Other relevant Te Tai o Poutini Plan provisions

²⁴ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.002

²⁵ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.002

²⁶ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.002

²⁷ RMA Schedule 1, clause 16(2)

²⁸ RMA Schedule 1, clause 16(2)

²⁹ RMA Schedule 1, clause 16(2)

³⁰ RMA Schedule 1, clause 16(2)

It is important to note that in addition to the provisions in this chapter and the underlying zone chapter, a number of Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities within the coastal environment, including:

- **Strategic Direction – The strategic objectives and policies set out the overarching direction for Te Tai o Poutini Plan.**³¹
- **Indigenous Biodiversity** - The objectives, policies and rules in relation to clearance of indigenous vegetation in the coastal environment are located in the ECO - Ecosystems and **Indigenous**³² Biodiversity Chapter.
- **Sites and Areas of Significance to Māori** - The coastal environment is of high significance to Poutini Ngāi Tahu, who have kaitiakitanga and rangatiratanga responsibilities in respect of it. Many Statutory Acknowledgement Areas are also within the coastal environment. The Sites and Areas of Significance to Māori Chapter contains objectives, policies and rules relating to the protection of these important cultural areas.
- **Public Access** - The Public Access Chapter contains additional provisions relating to recreational and public access to and along the coastal environment, in particular relevant objectives and policies.
- **Energy, Infrastructure and Transport – These chapters contain the objectives, policies and rules for managing energy activities, infrastructure and transport. These apply alongside the General District-Wide provisions, including the Coastal Environment provisions within this chapter.**³³

3.3. Coastal Environment Objectives

Submissions and Further Submissions

91. Four submission points relating to the objectives as a whole were received and were summarised in a table on page 26 of the s42A Report. Three were in support and one requested amendment.
92. Forty-five submission points and seven further submission points were received on Objective **CE-O1** and are summarised in a table on pages 30-31 of the s42A Report. Thirty-six were in support and the remainder sought amendments. One further submission supported their own submission and six opposed amendments.
93. Twenty-three submission points and one further submission point were received on Objective **CE-O2** and are summarised in a table on pages 26-28 of the s42A Report. Twenty-two were in support and one sought an amendment. The further submission supported their own submission in support.

³¹ Westpower Limited S547.407

³² RMA Schedule 1, clause 16(2)

³³ Transpower New Zealand Limited S299.069

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel

General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

94. Forty-two submission points and seven further submission points were received on Objective **CE-O3** and are summarised in a table on pages 31-36 of the s42A Report. Four were in support and 38 sought amendments.
95. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

Objectives as a whole

96. Ms Easton acknowledged the submissions³⁴ in support of the objectives.
97. Ms Easton did not support the submission point from Inger Perkins (S462.020) that sought a new objective to provide a proactive and comprehensive approach to mitigation and reduction of the effects of climate change. She noted that she had recommended strategic objectives around climate change in the Strategic Direction s42A Report and considered this to be the appropriate location for objectives addressing this issue. She considered the focus of the CE Chapter was in implementing the requirements of the NZCPS and the WCRPS. She noted that the NZCPS provided direction on climate change in Objective 4, in relation to public access, and Objective 5, in relation to coastal hazards. She noted these matters were addressed in the Public Access and Natural Hazards chapters of the TTPP. She noted that several policies reference climate change in relation to specific matters and considered they did not need to be addressed in a specific objective in the CE Chapter.

Objective CE - O1

98. Ms Easton acknowledged the 36 submission points that supported CE-O1 as notified.
99. Ms Easton supported the submission point from the Director General (S602.141) that sought to add *'and protect these values from inappropriate subdivision, use and development'* to CE-O1 because she considered this wording would give effect to the RMA s6 and NZCPS direction.
100. BCG (S552.127) and Frida Inta (S553.127) sought to separate CE-O1 into two objectives. Ms Easton did not support this because she considered the objective *'outlines that the management of the coastal environment is a balancing of outcomes, reflecting the realities of the location of development within the coastal environment on the West Coast'*.
101. Ms Easton did not support submission points from Westpower (S547.408 and S547.409) that sought substantial redrafting, including separating the objective into two objectives and adding a new objective. She considered that these submissions fell within the overall thrust of Westpower's submission requesting that the provisions for indigenous biodiversity in the coastal environment be located in the CE Chapter, rather than in the ECO Chapter. Ms Easton noted that landscape matters in the coastal environment were dealt with in this chapter because the areas of OCNC were located entirely within the ONL overlay. As noted above, she did not support separating the objective into two objectives.
102. Ms Easton supported in part a submission point from Forest and Bird (S560.278) that sought to delete *'while enabling people and communities to provide for their social, economic and cultural wellbeing in a manner appropriate for the coastal environment'* because it did not give effect to the NZCPS. Ms Easton noted the NZCPS provided for appropriate subdivision, use and

³⁴ Buller District Council S538.285, Westland District Council S181.007, Avery Brothers S609.077

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

development and noted that the majority of West Coast towns and settlements were located within the coastal environment. She considered that the amendment recommended in response to the Director General's submission point partially addressed the concerns of this submitter. As part of this amendment, she considered that deletion of the phrase '*in a manner appropriate for the coastal environment*' was appropriate to avoid duplication and make the wording of the objective more concise.

103. Ms Easton did not support a submission point from Inger Perkins (S462.019) that sought to expand the objective to consider current and future needs of people and communities in accordance with sustainable development principles. She considered the objectives in the CE Chapter should be clear and directive with a focus on giving effect to the NZCPS and not widened out to more general statements around sustainable development. She considered more general '*sustainable development*' direction was appropriately included in the Strategic Direction Chapter, and did not recommend any changes.
104. Ms Easton did not support submission points from Minerals West Coast (S569.014) and Straterra (S536.064) that sought to replace the word '*preserve*' with '*protect*' because she considered the objective was consistent with the direction in NZCPS Policy 2, which sought to preserve the natural character of the coastal environment. However, she considered the recommendation made in response to the Director General's submission point partially addressed these submission points.

Objective CE-O2

105. Ms Easton acknowledged the 22 submission points that supported CE-O2 as notified.
106. Ms Easton did not support a submission point from Te Tumu Paeroa (S440.039) that sought a definition for '*ancestral lands*' in the definitions of the Plan. She noted that RMA s6 referred to ancestral lands and the Tangata Whenua Chapter of the Plan provided information on ancestral lands for Poutini Ngāi Tahu. She noted that '*ancestral lands*' was not a term used in the rules and did not consider a definition was necessary given the detail provided in the Tangata Whenua Chapter.

Objective CE-O3

107. Ms Easton acknowledged the four submission points supported CE-O3 as notified.
108. A number of submissions³⁵ sought that the objective include reference to '*technical, locational or operational need*' and others sought reference to '*operational need*'³⁶. Westpower (S547.410) sought reference to '*technical, locational or operational constraints or requirements*' and to include '*while managing adverse effects on natural character, landscape, natural features, access and biodiversity values*' for consistency within the Plan. Transpower (S299.062) sought reference to '*operational need in respect of the National Grid*'.
109. Ms Easton supported these submissions, noting that the objective was derived from direction in the NZCPS and WCRPS, and that the NZCPS recognises that some activities have a functional

³⁵ John Brazil (S360.028), Avery Brothers (S510.078 and S510.086), Peter Langford (S615.087), Karamea Lime Company (S614.087), Minerals West Coast (S569.015), Catherine Smart-Simpson (S564.065), William McLaughlin (S567.345), Steve Croasdale (S516.067), Westpower Limited (S547.410), Geoff Volckman (S563.059), Leonie Avery (S507.086), Jared Avery (S508.086), Kyle Avery (S509.086), Avery Bros (S510.086), Bradshaw Farms (S511.086), Paul Avery (S512.086), Brett Avery (S513.086), Chris & Jan Coll (S58.280), Chris J Coll Surveying Limited (S566.280), Laura Coll McLaughlin (S574.280), and Neil Mouat (S535.036)

³⁶ WMS Group (S599.075), TiGa Minerals and Metals Limited (S493.071), Birchfield Coal Mines Ltd (S601.124), Birchfield Ross Mining Limited (S604.050), KiwiRail Holdings Limited (S442.073), Bathurst Resources Limited and BT Mining Limited (S491.029), Waka Kotahi NZTA (S450.131), Silver Fern Farms limited (S441.022), Ministry of Education (S456.019)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

requirement to locate in the coastal environment. She noted that the NZCPS did not specifically recognise operational need, which she considered had wider application. However, Ms Easton noted WCRPS Policy 3 provided for subdivision, use or development with a technical, functional or operational need to be located within the coastal environment.

110. Ms Easton noted that the matter of whether *'technical, locational, functional or operational constraints or requirements'* versus *'functional need or operational need'* was appropriate had been canvassed in other s42A Reports. She considered that the Planning Standard definition for *'operational need'* encompassed technical and locational aspects.
111. Ms Easton supported the submission point from the Director General (S602.142) that sought to replace *'in such a way that the impacts'* with *'while ensuring adverse effects'* because she considered it was more consistent with higher order documents.
112. Ms Easton supported in part the submission point from Westpower (S547.410) that sought to replace *'in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are minimised'* with *'while managing adverse effects on natural character, landscape, natural features, access and biodiversity values'*. She considered the direction in the NZCPS and WCRPS was stronger than *'manage adverse effects'* and considered that the term *'minimise'* (as per the recommended definition in the Introduction and General Provisions s42A Report) provided stronger direction. She considered the amendment made in response to the Director General's submission point partially addressed this submission point.
113. Ms Easton did not support a submission point from GDC (S608.647) that sought to reword the objective to provide clarity and focus by replacing the word *'minimise'* with *'mitigate.'* She noted that the NZCPS and WCRPS have a strong *'avoid'* direction in relation to adverse effects on these values and therefore considered *'minimise'* was appropriate.
114. Ms Easton did not support submission points from Bert Hofmans (S504.009) and Lindy Millar (S505.009) that sought to delete *'functional need'*. She noted that the NZCPS specifically recognised activities with a functional need to locate in the coastal environment and the WCRPS also recognised technical, locational and operational constraints and requirements. She therefore considered the term was appropriate.
115. Ms Easton did not support a submission point from Forest and Bird (S560.279) that sought to replace *'Provide for'* with *'to consider'*, and to replace *'minimised'* with *'appropriately avoided, remedied or mitigated'*. She considered that *'provide for'* was appropriate because it did not require a permitted activity status and activities could be provided for through a resource consent process. She also preferred the term *'minimise'* because she considered this was a better reflection of the intent of the NZCPS and WCRPS direction than the use of *'appropriately avoided, remedied or mitigated'*.
116. Ms Easton did not support submission points from Minerals West Coast (S569.035) and Bathurst (S491.029) that sought to replace *'minimised'* with *'avoided, remedied, mitigated, offset and/or compensated'*. She considered that *'minimised'* was the appropriate term within the objective. She noted that the use of effects management hierarchy (including offsetting and/or compensation) was the way in which the objective might be achieved - and that any reference to offsetting and compensation should be at a policy level in relation to biodiversity as outlined in the NPSIB.

Hearing and Submitter Evidence/Statements

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

117. Mr Kennedy, for Westpower, reiterated the amendments sought to CE-O1 and noted these related to giving effect to higher order documents and accurately reflecting the NZCPS and WCRPS provisions. He considered the Westpower amendments more accurately gave effect to the relevant provisions of these documents and provided clear outcomes for *'inappropriate activities'* and *'appropriate activities.'*
118. Mr Kennedy accepted the s42a Report recommendation for CE-O3 to refer to *'functional and operational need'* although he considered the wording should be consistent with the WCRPS. He continued to seek further amendments to CE-O3 to refer to *'managing adverse effects'*. He noted that the WCRPS sought to avoid some effects, and avoid, remedy or mitigate others, and considered these to constitute *'management'* rather than *'minimisation'*.
119. Frida Inta, for herself and the BCG, reiterated the request for Objective CE-O1 to be separated into two. She noted that the proposed New Plymouth District Plan included one objective for protecting the coastal environment and another relating to impacts of activities on coastal values. She considered separating the objective into two to be more respectful of the natural values. She was also concerned the objectives did not address cumulative effects.
120. Ms Claire Hunter presented planning evidence on behalf of Bathurst and concurred with the s42A Report recommendation to amend CE-O3 to refer to *'functional and operational need'*. In relation to Bathurst's request to replace the word *'minimised'* with *'avoided, remedied, mitigated, offset or compensated'*, Ms Hunter noted that *'minimise'* would require impacts to be reduced to the smallest amount reasonably practicable and that this did not allow for consideration of offsetting or compensation. She stated that *'Bathurst is seeking to ensure appropriate recognition is given to activities that may be functionally and/or operationally constrained by providing access to a comprehensive suite of tools for managing their effects on values within the coastal environment.'* She confirmed support for the s42A Report recommendations regarding the eight further submissions Bathurst made opposing submissions from Forest and Bird and the Director General.
121. The letter from Silver Fern Farms Ltd confirmed their support for the s42A Report recommendation that CE-O1 refer to *'functional need'* and did not provide further comment on the objectives.
122. The letter from Transpower accepted the s42A report recommendations on CE-O1 and CE-O3.

Reporting Officer Reply Evidence

123. In response to Panel questions, Ms Easton reviewed Forest and Bird's submission and considered whether the objectives sufficiently addressed the direction provided in the NZCPS. She considered the following matters were not well addressed in the CE objectives:
- Coastal processes, ecosystems, coastal water quality, open space and recreation, public access, coastal hazard risks.
124. Ms Easton noted that coastal hazards, open space and recreation and public access were dealt with in other chapters of the TTPP, and that water quality was principally a regional council matter. She therefore did not recommend any amendments in relation to these matters.
125. Ms Easton considered that the objectives did not sufficiently recognise the NZCPS direction around coastal processes and ecosystems, and noted that CE-O1 did not specifically

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

reference natural features. She recommended the words ‘*natural features, coastal processes, ecosystems*’ was added to CE-O1 and that ‘*coastal processes*’ and ‘*ecosystems*’ was added to CE-O3 to address these matters. She considered these amendments could be made within the scope of the Forest and Bird submission (S560.002). The recommended wording (including previous amendments) was as follows:

CE - O1

*To preserve the natural character, landscapes, **natural features, coastal processes, ecosystems** and biodiversity of the coastal environment **and protect these values from inappropriate subdivision, use and development** while enabling people and communities to provide for their social, economic and cultural wellbeing ~~in a manner appropriate for the coastal environment.~~*

CE - O3

*To provide for activities which have a functional need **or operational need** to locate in the coastal environment ~~in such a way~~ while ensuring that the ~~impacts~~ adverse effects on natural character, landscape, natural features, **coastal processes**, access, **ecosystems** and biodiversity values are minimised.*

126. In response to Panel questions regarding CE-O3 and the requirement to avoid adverse effects on significant values and significant adverse effects on other values, including cumulative effects, Ms Easton considered the submission from Forest and Bird (S560.002) provided some scope to give effect to the NZCPS. She noted cumulative effects were specifically addressed in NZCPS Policy 4 and Policy 7 and therefore identified the need for provisions to manage these, and to provide thresholds in plans that assist in determining when activities causing adverse cumulative effects are to be avoided. She recommended CE-O3 be amended as follows to address these matters:

CE - O3

*To provide for activities which have a functional need **or operational need** to locate in the coastal environment ~~in such a way~~ **while ensuring** that the ~~impacts~~ **adverse effects including cumulative adverse effects** on natural character, landscape, natural features, **coastal processes**, access, **ecosystems** and biodiversity values are minimised.*

Hearing Panel’s Evaluation

127. In relation to **CE-O1**, the Panel considers the notified objective is inconsistent with the direction of the NZCPS and WCRPS because it trying to give effect to Policies 11, 13 and 15, which all have different requirements, and it mixes in enabling people and communities to provide for their social, economic and cultural wellbeing. It is simply trying to achieve too much and as a result does not give effect to strong national direction of the NZCPS or the WCRPS.
128. The Panel has carefully considered whether the WCRPS Chapter 9 objectives and policies give effect to the NZCPS in relation to the coastal environment. We consider the three parts of WCRPS Objective 1 are consistent with the direction of NZCPS Objectives 1 and 2, and Policies 11, 13 and 15. However, we consider WCRPS Chapter 9 Objective 2 is inconsistent with the NZCPS because it seeks to provide for appropriate subdivision, use and development to enable people and communities to ‘*maintain or enhance*’ their economic, social and cultural wellbeing. In our view, this goes beyond NZCPS Objective 6 and we take this into account in giving effect to the NZCPS.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

129. The Panel appreciates Ms Easton’s analysis of the provisions in the NZCPS that are missing in the CE objectives and agree with this analysis. We agree that managing cumulative effects on natural character and indigenous ecosystems in the coastal environment is a significant gap, including the protection of the significant habitats of indigenous species and threatened and at risk species. As discussed in the ECO Recommendation Report, there has been no identification of significant habitat of indigenous fauna (including highly mobile species) or habitats of threatened and at risk species. We do not consider rules managing the clearance of indigenous vegetation address this given threatened and at risk species often rely on habitat that has been modified. This was a point well made by Ms Perkins (for the West Coast Penguin Trust) in relation to penguin species utilising coastal fringe habitats that include modifications and exotic vegetation.
130. Overall, the Panel considers the strong direction of the NZCPS in Policies 11, 13 and 15 needs to be more clearly expressed. We consider that notified CE-O1 should be split into two. The NZCPS is very clear that adverse effects on significant/outstanding values must be avoided; and significant adverse effects on biodiversity and natural features must be avoided, and other adverse effects must be avoided, remedied or mitigated. These are matters for the policy and rule framework that flows on from the redrafted objectives.
131. NZCPS Policy 13 also requires that the Panel recognise that natural character is not the same as natural features and landscapes or amenity. We have been mindful of this direction in terms of our recommendations in the Light Chapter, regarding the natural darkness of the night sky, and in the natural elements, processes and patterns that contribute to ONFL in our recommendations on the Natural Features and Landscape Chapter.
132. The Panel considers the direction ‘*to preserve*’ should only relate to natural character of the coastal environment (NZCPS Objective 2 and WCRPS Chapter 9 Objective 1(b)) and not the other matters included in recommended CE-O1. Similarly, ‘*protect*’ should only relate significant indigenous biodiversity and outstanding natural features and landscapes in the coastal environment, not to landscapes and biodiversity generally.
133. In terms of addressing cumulative effects and setting appropriate thresholds to avoid adverse cumulative effects, the Panel considers this further in relation to the policies and rules.
134. Overall, the Panel agrees that CE-O1 requires redrafting to better give effect to the higher order instruments, within the scope of submissions, including overarching submissions from Forest & Bird, John Caygill and Riarnne Klempel that sought better alignment with the NZCPS, and the Buller Conservation Group and Frida Inta, and Westpower that sought for CE-O1 to be split into two objectives. The Panel rely on the Ecosystems and Indigenous Biodiversity Chapter to manage effects on indigenous biodiversity within the coastal environment, but consider it appropriate to reference indigenous biodiversity within the Coastal Environment Chapter objectives to provide a link between the two chapters. The Panel takes a similar approach to the relationship between the Natural Features and Landscapes Chapter and the Coastal Environment Chapter in relation to protecting natural features and landscapes in the coastal environment.
135. In relation to **CE-O2**, the Panel recommends retaining the Objective as notified and supports the analysis of Ms Easton in relation to it, with the exception that the Panel notes Te Tumu Paeroa withdrew their submission point in relation to ‘*ancestral lands*’. The Panel considers this term is readily able to be interpreted in the context of the objective and the Tangata Whenua Chapter of the Plan.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

136. In relation to **CE-O3**, the Panel accepts Ms Easton’s recommended amendments, as shown in Appendix 1 of the Right of Reply, with some modification, including replacing the word ‘*minimise*’ with the phrase ‘*avoid, remedy or mitigate*’ to better align with national direction, and incorporating reference to ‘*regionally significant infrastructure*’ and ‘*mineral extraction*’.
137. The Panel notes that the NZCPS Policy 6(1) requires that in relation to the coastal environment, we must recognise the provision of infrastructure, the supply and transport of energy, including the generation and transmission of electricity, and the extraction of minerals, as these are important to the social, economic and cultural wellbeing of people and communities. Policy 6(1)(e) requires us to consider where and how built development on land should be controlled to not compromise activities of national or regional importance that have a functional need to locate in the *coastal marine area*. It is not as broad as applying to the coastal environment, as suggested by Ms Easton.
138. Similarly, Policy 6(2) relates specifically to the coastal marine area, where we need to recognise that there are activities that have a functional need to be located in the coastal marine area; and to recognise that activities that do not have a functional need for locating in the coastal marine area generally should not be located there.
139. The WCRPS Chapter 9 Policy 1 sets out how to achieve the protection of indigenous biodiversity, natural character and natural features from inappropriate subdivision, use and development, by identifying significant values in plans, avoiding adverse effects on these values, and avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects. We consider this is consistent with the NZCPS.
140. Policy 2(1) enables the operation maintenance or minor upgrading of existing National Grid infrastructure. Policy 2(2) requires that in having regard to technical and operational constraints, new development or major upgrades of the National Grid shall seek to avoid adverse effects, and otherwise remedy or mitigate effects on areas of significant indigenous biodiversity and significant habitats of indigenous fauna, ONFL and areas of high and outstanding natural character. However, it also states that in some circumstances adverse effects on those values must be avoided. We consider this is inconsistent with direction of the NZCPS, where adverse effects on significant and outstanding values must be avoided; and significant adverse effects must be avoided, and other effects avoided, remedied or mitigated.
141. WCRC Chapter 9 Policy 3 provides for subdivision, use and development in the coastal environment, which requires use of natural and physical resources in the coastal environment or has a technical, functional or operation requirement to be located in the coastal environment. It also recognises that minor or transitory effects may not be adverse effects on significant and outstanding values; to allow adverse effects that are no more than minor on environmental values; and to allow lawfully established activities to continue provided the adverse effects are the same or similar in scale, character or intensity.
142. WCRC Chapter 9, Policy 4 provides existing and new renewable electricity generation activities by having regard to the need to be located where the resource is available and the technical, functional or operational needs of the activities.
143. The Panel further addresses distinctions regarding different types of infrastructure, matters of functional need or operational need, and the management of adverse effects in the coastal environment in accordance with the NZCPS within the policy and rule framework of the chapter.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai**

144. The Panel has considered the request of Inger Perkins for an additional objective to address climate change response in the coastal environment. We agree with the analysis of Ms Easton, and in particular because of recommended amendments to Strategic Direction, as well as provisions in the Natural Hazards Chapter, which are further discussed in the associated Recommendation Report. We do not recommend a new objective is necessary.

Hearing Panel’s Recommendation

145. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Coastal Environment Objectives** in the Plan as follows:

Coastal Environment Objectives	
CE - O1	To preserve natural character, and protect natural features and landscapes and biodiversity of in the coastal environment from inappropriate subdivision, use and development, and protect areas of significant indigenous biodiversity while enabling people and communities to provide for their social, economic and cultural wellbeing in a manner appropriate for the coastal environment. ³⁷
CE – O2	To enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety, through appropriate subdivision, use and development. ³⁸
CE - O23³⁹	The relationship of Poutini Ngāi Tahu with their cultural values, traditions, interests and ancestral lands in the coastal environment is recognised and provided for and Poutini Ngāi Tahu are able to exercise tino rangatiratanga and kaitiakitanga.
CE – O34⁴⁰	To provide for activities which have a functional need or operational need ⁴¹ to locate in the coastal environment, including regionally significant infrastructure and mineral extraction activities, ⁴² in such a way while ensuring ⁴³ that the impacts adverse effects, including cumulative adverse effects, on natural character,

³⁷ Westpower Limited S547.408, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.278 and S560.002, Director General of Conservation S602.141, John Caygill S290.006, Riarnne Klempel S296.006, Buller Conservation Group S552.127, Frida Inta S553.127

³⁸ Westpower Limited S547.409, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.002, John Caygill S290.006, Riarnne Klempel S296.006, Buller Conservation Group S552.127, Frida Inta S553.127

³⁹ Consequential to recommendations on CE-O1

⁴⁰ Consequential to recommendations on CE-O1

⁴¹ Transpower New Zealand Limited S299.062, John Brazil S360.028, Silver Fern Farms Limited S441.022, Kiwirail Holdings Limited S442.073, Waka Kotahi NZ Transport Agency S450.131, Ministry of Education Te Tāhuhu o Te Mātauranga S456.019, Bathurst Resources Limited and BT Mining Limited S491.029, TiGa Minerals and Metals Limited S493.071, Leonie Avery S507.086, Jared Avery S508.086, Kyle Avery S509.086, Avery Bros S510.086, Bradshaw Farms S511.086, Paul Avery S512.086, Brett Avery S513.086, Steve Croasdale S516.067, Neil Mouat S535.036, Westpower Limited S547.410, Chris & Jan Coll S558.280, Geoff Volckman S563.059, Catherine Smart-Simpson S564.065, Chris J Coll Surveying Limited S566.280, William McLaughlin S567.345, Minerals West Coast S569.015 and S569.035, Laura Coll McLaughlin S574.280, WMS Group (HQ) Limited and WMS Land Co. Limited S599.075, Birchfield Coal Mines Ltd S601.055 and S601.124, Birchfield Ross Mining Limited S604.050, Avery Brothers S609.078, Karamea Lime Company S614.087, Peter Langford S615.087

⁴² Transpower New Zealand Limited S299.062, Kiwirail Holdings Limited S442.073, Waka Kotahi NZ Transport Agency S450.131, Bathurst Resources Limited and BT Mining Limited S491.029, TiGa Minerals and Metals Limited S493.071, Westpower Limited S547.410, Minerals West Coast S569.015 and S569.035, WMS Group (HQ) Limited and WMS Land Co. Limited S599.075, Birchfield Coal Mines Ltd S601.055 and S601.124, Birchfield Ross Mining Limited S604.050, Avery Brothers S609.078, Karamea Lime Company S614.087, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.002, John Caygill S290.006, Riarnne Klempel S296.006, Buller Conservation Group S552.127, Frida Inta S553.127

⁴³ Director General of Conservation S602.142

landscape, natural features, coastal processes, access, ecosystems and biodiversity values are ~~minimised~~ avoided, remedied or mitigated.⁴⁴

3.4. CE Policies

Submissions and Further Submissions

146. Six submission points and five further submission points were received on the policies as a whole and summarised in a table on pages 38-39 of the s42A Report. Two submission points were in support and the remainder sought amendments. The further submission points opposed amendments.
147. Thirty-one submission points and five further submission points were received on Policy **CE-P1** and were summarised in a table on pages 41-43 of the s42A Report. Twenty-four submission points were in support and seven sought amendments. The further submission points supported or supported in part requested amendments.
148. Seven submission points and two further submission points were received on Policy **CE-P2** and were summarised in a table on page 45 of the s42A report. Four submission points were in support and three sought amendments.
149. Twenty submission points and six further submission points were received on Policy **CE-P3** and were summarised in a table on pages 47-50. Six submission points were in support and the fourteen sought amendments.
150. Twenty-seven submission points were received in Policy **CE-P4** and were summarised in a table on pages 52-54. Four were in support, one was in opposition and 23 sought amendments.
151. Fifty-six submission points and six further submission points were received on Policy **CE-P5** and were summarised in a table on pages 56-59 of the s42A Report. Twenty-one submission points were in support of the policy and 35 sought amendments.
152. Forty-five submission points and seven further submission points were received on Policy **CE-P6** and were summarised in a table on pages 61-65 of the s42A Report. Thirty-two submission points were in support of the policy and 13 sought amendments.
153. Twelve submission points and one further submission point were received on Policy **CE-P7** and were summarised in a table on page 68 of the s42A Report. Ten submission points were in support and two sought amendments.
154. Nine submission points and six further submission points were received on Policy **CE-P8** and are summarised in a table on pages 69-70 of the s42A Report. Three were in support, one was in opposition and five sought amendments.
155. The Panel has considered the submissions and further submissions received and adopts the summaries in the s42A Report.

⁴⁴ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.279, S560.002,

Section 42A Report

Policies as a whole

156. Ms Easton acknowledged the submissions⁴⁵ in support of the policies.
157. Ms Easton supported in part a submission from Westpower (S547.411) that sought a new policy providing for new and existing renewable electricity generation activities in the coastal environment. She considered this matter could be addressed via an amendment to CE-P5, which provided for lawfully established activities and those with a functional or operational need to establish in the coastal environment. She recommended an additional clause be added '*are new renewable electricity generation activities where the coastal environment is where the renewable electricity resource is available*'. She also supported the request for the policies to give effect to the matters in Policy 3, Chapter 9 of the WCRPS, noting that the provisions need to give effect to all parts of the WCRPS, not just one policy. She did not recommend any specific amendment as a result of this part of the submission and noted consistency with the WCRPS was discussed in relation to specific policies.
158. Ms Easton did not support a submission point from Forest and Bird (S560.283) (opposed by three further submissions points) that sought to add a new policy as follows:
- Manage adverse effects of activities outside of outstanding coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features by avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects of activities on natural character, natural landscapes and features in the coastal environment in accordance with Policy 13 and 15 NZCPS.*
159. Ms Easton considered Policy CE-P3 addressed these matters in a more tangible level of detail that would assist Plan interpretation and resource consent assessment in a way that this proposed policy would not.
160. Ms Easton did not support a submission from Forest and Bird (S560.287) that sought an additional policy restricting vehicles access onto beaches in accordance with NZCPS Policy 20 because she was unsure whether a district Plan could regulate vehicle access to beaches, particularly when many may be paper roads. She noted that a report prepared by Forest and Bird stated '*The jurisdiction of who has control and/or enforcement over beaches, specifically vehicles on beaches, is not a clearly defined and it is difficult to distinguish who hold responsibility. It is unsurprising that the general public are often referred between different agencies.*'
161. Ms Easton considered that the Land Transport Act and Bylaws should be used to regulate vehicle access to beaches and not district plans, noting that the NZCPS Policy 10 guidance document cites Reserve Management Plans, Bylaws and the Northland Regional Coastal Plan as examples of how vehicles on beaches were restricted. She invited the submitter to provide more information on what a policy could contain and how this would provide a framework to address this issue within the Plan.
162. Forest and Bird (S560.418) also sought to amend the policy direction providing that Coastal Environment areas outside of Outstanding Coastal Natural Character/Natural Landscape and High Coastal Natural Character overlays could be determined as beyond the coastal environment through a consent process and would not be subject to Coastal Environment

⁴⁵ Buller District Council S538.286, Westland District Council S181.025

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

Chapter provisions. Ms Easton understood this was a consequential amendment from a submission that sought a much wider application of the coastal environment. She did not support this submission point because she considered the Coastal Environment mapping was appropriate.

Policy CE - P1

163. Ms Easton acknowledged the submissions⁴⁶ in support of Policy CE-P1 as notified.
164. Ms Easton did not support a submission point from Snodgrass Road submitters (S619.040) that sought to delete the policy or to remove the Coastal Environment overlay from their properties. She noted the policy wording paraphrased the clear criteria for identifying the coastal environment that was set out in Policy 1 of the NZCPS.
165. Westpower (S547.412) sought to amend clause (f) to add *'including energy activities and critical infrastructure.'* Ms Easton did not support this because she considered energy infrastructure and critical infrastructure were subsets of infrastructure and therefore the qualifier was unnecessary. She supported the second part of the submission point that sought for existing energy activities and infrastructure to be clearly identified within values assessments and identified on the relevant maps. She considered there was significant merit in showing the extent of the Westpower network on the Planning Maps as an information layer, and noted there was an extensive electricity distribution network in the coastal environment, particularly in the settlements and townships.
166. Ms Easton supported a submission from Federated Farmers (S524.087) that sought for the overlay to be identified and mapped because this was already included in the Plan.
167. Ms Easton supported the submission point from the Director General (S602.143) that sought to amend the policy to add in matters in NZCPS Policy 1(2) that were not included, specifically *'coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these, islands, inter-related coastal marine and terrestrial systems, including the intertidal zone and habitats of migratory birds'.* She also supported deleting the reference to accelerated sea level rise in relation to coastal hazards to give effect to the NZCPS, and considered this would remove a degree of ambiguity around what matters must be considered for inclusion in an assessment of the extent of the coastal environment.
168. Ms Easton considered the recommended changes in response to the Director General's submission point discussed above also address the Forest and Bird submission point (S560.280) that sought amendments to the policy to accurately reflect NZCPS Policy 1.
169. Ms Easton supported a submission from Poutini Ngāi Tahu (S620.202) that sought to replace *'cultural areas of features'* with *'values'*. She considered this change was consistent with terminology she had recommended for use throughout the Plan.
170. Ms Easton supported in part a submission from Forest and Bird (S560.0530) that sought that terminology used in the Plan provide clarity about whether the Coastal Environment was an overlay or a map layer. Ms Easton noted the coastal overlay and other overlays were mapped, and considered that if there was confusion it must be remedied. However, she was unclear

⁴⁶ John Brazil (S360.029), Avery Brothers (S510.087 and S510.079), Peter Langford (S615.088), Karamea Lime Company (S614.088), Catherine Smart-Simpson (S564.066), William McLaughlin (S567.346), Steve Croasdale (S516.068), Geoff Volckman (S563.060), Leonie Avery (S507.087), Jared Avery (S508.087), Kyle Avery (S509.087), Bradshaw Farms (S511.087), Paul Avery (S512.087), Brett Avery (S513.087), Chris & Jan Coll (S58.281), Chris J Coll Surveying Limited (S566.281), Laura Coll McLaughlin (S574.281), and Neil Mouat (S535.037), NZTA Waka Kotahi (S450.132), Te Mana Ora (S190.471), Craig Schwitzer (S96.017), Grey District Council (S608.648)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

what aspect of confusion Forest and Bird were concerned with and invited them to provide additional information on this, and the amendments sought, at the hearing.

Policy CE - P2

171. Ms Easton acknowledged the submissions⁴⁷ in support of the policy.
172. Ms Easton supported the submission point from Westpower (S547.415) that sought to amend the policy to include reference to inappropriate subdivision use and development, so that it better reflected the WCRPS. She considered the requested wording better reflected the direction in RMA s6, as well as NZCPS Policies 13 and 15, which specifically refer to *'inappropriate subdivision use and development'*.
173. Ms Easton supported a submission point from Forest and Bird (S560.281) that sought to amend the policy to accurately capture NZCPS Policies 13 and 15 and therefore give effect to the NZCPS. She was unclear what amendment to the policy was sought, noting that the criteria in the NZCPS had been part of the consideration in identifying areas of OCNC, and ONFL in the coastal environment (which addressed clause (2) of Policy 13 and clause (c) of Policy 15). She also noted that Policy CE – P3 addressed some of the matters in NZCPS Policies 13 and 15, and she did not see value in simply copying policies from higher order documents into the Plan. She considered the policies needed to provide appropriate direction on how the higher order documents were to be given effect to in the West Coast context. She invited Forest and Bird to provide more information about the changes sought.
174. Ms Easton supported in part a submission from Forest and Bird (S560.532) that sought amendments to address adverse effects of vegetation clearance. She considered this should have been addressed within the ECO Chapter s42A Report. She shared the concern of Forest and Bird that Rule ECO – R5 did not adequately address the coastal environment, and supported the addition of a matter of discretion in ECO – R5 for consideration of adverse effects on natural character, and natural landscapes and features in the coastal environment.
175. Forest and Bird also sought substantive amendments to ECO-R2, some of which Ms Easton recommended were accepted. She considered this rule adequately manages the risk to outstanding coastal natural character of vegetation clearance within these identified areas of OCNC, which would have little or no infrastructure or any other type of development within them. However, she was uncertain as to whether there was scope within this submission point (which relates to areas beyond the overlays), or another submission point, to address that matter, and invited Forest and Bird to provide their view on scope.

Policy CE - P3

176. Ms Easton acknowledged the submissions⁴⁸ in support of the policy.
177. WMS Group (S599.076), TiGa Minerals and Metals Limited (S493.072), Birchfield Coal Mines Ltd (S601.056) and Birchfield Ross Mining Ltd (S604.051) sought to amend clause (e) to delete the words *'national grid infrastructure'* and replace it with *'an activity'*. Westpower (S547.416) sought to amend clause (e) to add *'or other energy activity including energy aspects of infrastructure and critical infrastructure that due to technical, locational, functional or operation constraints and requirements needs to be undertaken within or through these*

⁴⁷ Te Mana Ora (S190.472), Craig Schwitzer (S96.018), Transpower New Zealand Limited (S299.064), Director General of Conservation (S602.144)

⁴⁸ Te Mana Ora (S190.473), Craig Schwitzer (S96.019), Chris & Jan Coll (S58.282), Chris J Coll Surveying Limited (S566.282), Laura Coll McLaughlin (S574.282), William McLaughlin (S567.347), Snodgrass Road submitters (S619.041)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

areas. KiwiRail (S442.074) and Waka Kotahi NZTA (S450.133) sought to add the words '*or critical infrastructure*'; and GDC (S608.649) sought for the policy to provide for regionally significant infrastructure (**RSI**).

178. Ms Easton did not support these submissions and considered that only the exemption for the National Grid should be provided for in the policy. In forming this view, she relied on the NZCPS and WCRPS, noting that Policy CE-P3 specifically related to scheduled areas of outstanding and high coastal natural character, areas of outstanding coastal natural landscapes and coastal natural features. She noted WCRPS Chapter 9 (Coastal Environment) Policy 1 sought to avoid adverse effects on outstanding areas; and avoid significant adverse effects on other areas of coastal natural character, landscape, natural features and indigenous biodiversity. She noted that WCRPS Chapter 9 Policy 2 provided an exclusion for the National Grid in relation to these outstanding areas, but no other activities were provided for in these areas. She noted that Chapter 9 Policy 2 and 3 provided for activities in the wider coastal environment.
179. Ms Easton supported the submission point from Minerals West Coast (S569.016) that sought to ensure care was taken in identifying outstanding natural features and landscapes. She noted these areas had been assessed and reassessed with significant care to ensure only areas meeting the criteria were included. She therefore did not recommend any changes in response to this submission point.
180. Ms Easton supported the submission from Transpower (S299.065) that sought amendments to the wording to refer to areas of "*high coastal natural character*", "*outstanding coastal natural landscapes*" and "*outstanding coastal natural features*" because she considered these would clarify the policy in relation to the coastal nature of the overlays. Transpower also sought that '*functional and operational*' be amended to '*functional or operational*' and Ms Easton supported this change because she considered the WCRPS supported a direction of providing for the operational need of the National Grid.
181. Ms Easton did not support the submission point from the Director General (S602.145) that sought to include reference to the effects management hierarchy because it was not referenced in NZCPS, which had a strong focus on avoiding adverse effects in the identified outstanding areas. She also noted that the NPSIB stated that where there was conflict between it and the NZCPS, the NZCPS must take precedence.
182. Ms Easton did not support the submission point from Forest and Bird (S560.282) that sought to amend the policy to apply more widely to the coastal environment because the policy was focused on the management of identified and scheduled areas. Forest and Bird also sought to delete clause (d) and Ms Easton considered there was merit in better defining what purposes were 'appropriate' and referring to the defined terms used in the corresponding rule. She considered that activities other than cultural harvest should be included within an Iwi/Papatipū Rūnanga Management Plan.
183. Ms Easton supported the submission point from Poutini Ngāi Tahu (S620.203) that sought to amend clause (d) to refer '*Poutini Ngāi Tahu Activities*' or '*Māori Purpose Activities*' rather than '*cultural purpose*', noting this policy links directly to Rule CE – R3, which provided for '*Māori Purpose Activities*' and '*Poutini Ngāi Tahu Activities*'.

Policy CE - P4

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai**

184. Ms Easton acknowledged the submissions⁴⁹ in support of the policy.
185. Ms Easton did not support a submission point from Craig Schwitzer (S96.016) that sought to remove the policy so that there was no provision for industrial primary production or mineral extraction within the coastal environment. The submitter sought that the Plan only allow for small scale primary production or mineral extraction in the coastal environment that was sustainable and environmentally complementary to the specific area. Ms Easton noted there were existing activities located in areas of HCNC and ONL within the Coastal Environment. She noted that she has recommended changes to the policy in response to other submissions but did not support its deletion.
186. Several submissions⁵⁰ sought an additional clause providing for activities with a functional, technical or operational need to locate in the coastal environment. Ms Easton did not support these submission points, noting that this policy related to areas of the highest value within the coastal environment. She considered Policy CE-P3 already addressed activities with a functional or operational need to locate in these areas and that there was no need for an amendment to CE-P4.
187. The Director General (S602.146) sought an amendment to clauses (b) to add the phrase “*and any associated buildings and structures*” and to delete “*outstanding or*” so that it only applied to areas of high values. The Director General also sought to add a new clause (c) “*adverse effects on outstanding natural character, outstanding natural landscapes and outstanding natural features areas are avoided*”. Ms Easton supported the addition of reference to associated buildings and structures and the addition of new clause (c) because she considered this better reflected the NZCPS and WCRPS. She did not support the policy only applying to the high coastal natural character areas, on the basis that it is a ‘*provide for*’ policy rather than an ‘*allow*’ policy and it was therefore appropriate to include the outstanding areas.
188. Ms Easton supported the submission from Forest and Bird (S560.284) that sought to replace ‘*does not degrade*’ with ‘*protects*’ because she considered it was more consistent with the RMA s6 direction, NZCPS and WCRPS.

Policy CE - P5

189. Ms Easton acknowledged the submissions⁵¹ in support of the policy.
190. Several submissions⁵² sought to amend clause (d) by replacing ‘*functional or operational need*’ with ‘*functional, technical, locational or operational need*’. Ms Easton noted that although the WCRPS included the wording ‘*functional, technical, locational or operational*’, the Planning Standards had come into effect since the WCRPS was produced. She explained that the

⁴⁹ Te Mana Ora (S190.474), Horticulture New Zealand (S486.044), WMS Group (S599.077)

⁵⁰ John Brazil (S360.030), Avery Brothers (S510.088 and S510.080), Peter Langford (S615.089), Karamea Lime Company (S614.089), Catherine Smart-Simpson (S564.067), William McLaughlin (S567.348), Steve Croasdale (S516.069), Geoff Volckman (S563.061), Leonie Avery (S507.088), Jared Avery (S508.088), Kyle Avery (S509.088), Bradshaw Farms (S511.088), Paul Avery (S512.088), Brett Avery (S513.088), Chris & Jan Coll (S58.283), Chris J Coll Surveying Limited (S566.283), Laura Coll McLaughlin (S574.283), and Neil Mouat (S535.038)

⁵¹ Te Mana Ora (S190.475), Craig Schwitzer (S96.020), Transpower New Zealand Limited (S299.066), Silver Fern Farms Limited (S441.023), KiwiRail Holdings Limited (S442.075), NZTA Waka Kotahi (S450.134), Ministry of Education (S456.020), TiGa Minerals and Metals Limited (493.073), Avery Brothers (S510.063), Avery Bros (S690.055), Leonie Avery (S507.063), Jared Avery (S508.063), Kyle Avery (S509.063), Bradshaw Farms (S511.063), Paul Avery (S512.063), Brett Avery (S513.063), Westland Farms Services (S550.005), Snodgrass Road submitters (S619.041) WMS Group (S599.078), Birchfield Coal Mines Ltd (S601.057) and Birchfield Ross Mining Ltd (S604.052)

⁵² John Brazil (S360.031), Avery Brothers (S609.081), Peter Langford (615.090), Karamea Lime Company (S614.090), Catherine Smart-Simpson (S564.068), William McLaughlin (S567.349), Steve Croasdale (S516.070), Geoff Volckman (S563.062), Leonie Avery (S507.089), Jared Avery (S508.089), Kyle Avery (S509.089), Avery Bros (S510.089), Bradshaw Farms (S511.089), Paul Avery (S512.089), Brett Avery (S513.089), Chris & Jan Coll (S558.284), Chris J Coll Surveying Limited, (S566.284), Laura Coll McLaughlin (S574.284), Neil Mouat (S535.039) and Westpower Limited (547.421)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

Planning Standards definitions were required to be used and covered technical and operational aspects in the WCRPS policy. She considered the additional words were unnecessary given the definitions for *'Operational Need'* and *'Functional Need'*.

191. Ms Easton did not support submission points⁵³ that sought to add *'or sites'* to the end of clause (a), which referred to lawfully established structures, to recognise that lawfully established sites were able to be built upon. She considered the addition was unnecessary, noting that provided the size and scale requirements were met then the development of buildings or structures were already supported by the policy.
192. Ms Easton did not support submission points from Bert Hofmans (S504.010) and Lindy Millar (S505.010) that sought to delete reference to *'functional need'*, noting that this policy applied to areas outside of outstanding and high natural character areas of the coastal environment. She noted that the NZCPS and WCRPS both provided for activities with a functional need to locate within the coastal environment.
193. The Director General (S602.147) sought to restructure the policy to shift clause (b) to the end; and to add two additional clauses that *'adverse effects on amenity, natural character, historic and cultural values, and biodiversity are appropriately managed'* and that activities are *'consistent with the NZCPS'*. Ms Easton supported this submission point in part. She supported the addition of a clause around management of adverse effects, but did not support the clause requiring activities be consistent with NZCPS. She considered this was vague, uncertain, and unlikely to assist in assessing whether activities were appropriate.
194. Buller Conservation Group (S552.128) and Frida Inta (S553.128) sought an additional clause *'adverse effects on natural character, natural landscapes and natural features are avoided'*. Ms Easton supported these submission points in part, noting that the NZCPS and WCRPS direct that significant adverse effects must be avoided. She noted that the intent of the policy was to provide clarity about what might be appropriate development that fits within this direction. She considered that the recommended change made in response to the Director General's submission partly addressed this submission point.
195. Ms Easton did not support a submission point from Westpower (S547.418) that sought to replace *'provide for'* with *'allow'* because she noted this policy supported permitted activity rules and CE-R13 and CE-R14, which were restricted discretionary activities.
196. Ms Easton supported a submission point from Westpower (S547.419) that sought to add *'buildings'* to clause (a), noting that the omission of the word was a drafting error.
197. Ms Easton supported in part a submission from Westpower (S547.420) that sought to add *'energy activities and infrastructure (including critical infrastructure)'* to clause (c). She considered reference to infrastructure was appropriate, but considered that the full phrase sought was unnecessary.
198. Ms Easton did not support a submission point from Forest and Bird (S560.285) that sought to replace *'provide for'* with *'consider'*. She noted that the TTPP planning team considered *'provide for'* to support both permitted activities and those requiring resource consent. She considered the wording was appropriate because the policy supported permitted activity rules and the escalation rules where permitted activity standards were not met.

⁵³ Tim and Phaedra Robins (S579.018), Tim Macfarlane (S482.011), Russell and Joanne Smith (S477.011), Claire & John West (S506.011), Lauren Nyhan & Anthony Phillips (S533.011) and Stewart & Catherine Nimmo (S559.011).

Policy CE - P6

199. Ms Easton provided the following clarification as to where this policy was intended to apply:

This policy relates to areas of the coastal environment that are already substantially modified and where the major population centres of the West Coast are located. While, as I recommend in response to the mapping submissions, the removal of the towns of Westport, Greymouth and Hokitika from within the coastal environment, this policy will still apply to other modified areas including most of the small settlements on the West Coast (eg Karamea, Granity, Gladstone, Camerons, Arahura, Ruatapu, Ōkarito), a wide range of areas where primary production activities occur (including both mineral extraction and dairy farming), as well as scattered residential development. In many locations the extent of the coastal environment extends several kilometres inland. While there remain elements of natural character in these modified areas, they principally relate to areas close to the coastline, around stream and river mouths, wetlands and native vegetation.

200. Ms Easton acknowledged the submissions⁵⁴ in support of the policy.

201. Ms Easton supported submission points from Frida Inta (S553.129) and Buller Conservation Group (S552.129) that sought to delete clause (b) because she considered the reference to unmodified areas was not appropriate in this policy which was addressing areas where there was existing built development.

202. Ms Easton supported the submission from Poutini Ngāi Tahu (S620.204) that sought to replace 'cultural uses' with 'Poutini Ngāi Tahu Activities' or 'Māori Purpose Activities' because she considered this change also addressed a submission point from Te Tumu Paeroa (S440.040) that sought a definition for 'cultural uses' and supported this submission point in part.

203. Ms Easton supported in part the submission point from Westpower (S547.422) that sought to replace 'buildings and structures' with 'use and development (including buildings and structures)'. She considered replacing 'buildings and structures' with 'use and development' to be appropriate and considered 'including buildings and structures' was unnecessary.

204. Ms Easton did not support the submission point from Ministry of Education (S456.021) that sought the addition of a clause referring to sufficient infrastructure capacity to service growth, including educational facilities. She considered infrastructure capacity was dealt with in other parts of the Plan and it was not appropriate to include in this policy, which focusses on the management of effects on the natural and cultural values of the coastal environment.

205. Ms Easton supported in part the submission from the Director General (S602.148) that sought several amendments to the policy. She supported deleting the reference to outstanding natural character areas because the focus of the policy was on developed areas in the modified parts of the coast. She did not support the other changes requested, including:

- (a) Deleting the reference to continuance of lawfully established activities;

⁵⁴ Te Mana Ora (S190.476), Craig Schwitzer (S96.021), Transpower New Zealand Limited (S299.067), Silver Fern Farms Limited (S441.024), Avery Brothers (S510.064 and S510.090), Avery Bros (S690.056 and S609.082), Leonie Avery (S07.064 and S507.090), Jared Avery (S508.064 and S508.090), Kyle Avery (S509.064 and S509.090), Bradshaw Farms (S511.064 and S511.090), Paul Avery (S512.064 and S512.090), Brett Avery (S513.064 and S513.090), Westland Farms Services (S550.006), Snodgrass Road submitters (S619.043), Tim and Phaedra Robins (S579.019), Chris & Jan Coll (S558.286), Chris J Coll Surveying Limited, (S566.286), Laura Coll McLaughlin (S574.286), Neil Mouat (S535.040 and S535.069), Catherine Smart-Simpson (S564.069), William McLaughlin (S567.350), Steve Croasdale (S16.071), Geoff Volckman (S563.063), Lauren Nyhan & Anthony Phillips (S533.012), Stewart & Catherine Nimmo (S559.012), Joel & Jennifer Watkins (S565.022), Silver Fern Farms Limited (S441.024).

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

- (b) Adding the adverse effects of activities with a functional need to locate in the coastal environment are managed in accordance with the effects management hierarchy; and
 - (c) Adding significant adverse effects on natural character are avoided and that adverse effects on natural character in areas of outstanding natural character are avoided.
206. Ms Easton considered other amendments she had recommended made some of these changes unnecessary. She also noted that the focus of the policy was to support permitted activities in the coastal environment and as there was no ability to place consent conditions on these, she did not support reference to the effects management hierarchy being included.
207. Ms Easton did not support a submission point from Westpower (S547.423) that sought to add *'outstanding natural landscapes and/or'* to clause (c) because the policy supported permitted activities outside of outstanding areas. She supported in part the submission (S547.424) the request to add *'technical, locational, functional or operational constraints and requirements'* because she considered *'functional need or operational need'* was the appropriate phrase in this context (relating to areas outside those with outstanding values) and the Plan definition included technical and locational aspects. Ms Easton supported submission point (S547.426) to replace *'minimise'* with *'avoid, remedy or mitigate'* in clause (c)(v) because she noted that this policy applied outside of identified high and outstanding areas and the wording was therefore appropriate.
208. Forest and Bird (S560.286) sought several amendments to the policy, including:
- (a) Qualifying the policy by adding *"where it may be appropriate to"*;
 - (b) Deleting the reference to modifications in clause (a) arising due to primary production activities;
 - (c) Adding that the areas not be subject to a natural hazard overlay in clause (a);
 - (d) Reordering clause (c) and revising a range of points within it, which relate to outstanding and high natural character, including referring to a new CE-PX [new policy giving effect to Policy 13 (a) and (b) of the NZCPS] and protection of significant natural areas;
 - (e) Deleting clause (c)(i), (ii) and (iii), replacing this with *"avoiding encroachment into unmodified areas' to 'managing encroachment to enable appropriate subdivision, use or development to occur"*;
 - (f) Replacing *"provide for"* with *"make provision for"* and adding *"that manage adverse effects in accordance with provisions of this Plan"* in clause (c)(i); and
 - (g) Adding *"where the area is subject to a natural hazard overlay the activity is consistent with achieving NH objectives"* to clause (c).
209. Ms Easton supported the addition of *'activities'* in clause (a); and replacing *'minimises'* with *'avoided, remedied or mitigated'* in clause (c)(v). She did not support add *'avoiding encroachment into unmodified areas' to 'managing encroachment to enable appropriate subdivision, use or development to occur'* to clause (c)(iv) because of the direction of NZCPS Policies 11, 13 and 15 to avoid adverse effects on identified outstanding and significant areas, and significant adverse effects on natural character, landscape, natural features and biodiversity values. She noted these values were most likely to be found in unmodified areas and therefore considered *'avoid'* was consistent with this national direction.
210. Ms Easton did not support the other requested changes, noting that a number of these matters were dealt with in other chapters of the Plan, including natural hazards and significant

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

natural areas. She considered the proposed changes would make the policy more restrictive and included reference to a new policy that she did not recommend was added to the Plan. She considered her recommendation in response to the Director General's submission point, to delete the reference to 'outstanding' may partially address the concerns of this submitter.

211. GDC (S608.650) sought to replace 'minimise' with 'mitigate'. Ms Easton supported this submission point in part because she recommended 'avoided, remedied or mitigated'.

Policy CE - P7

212. Ms Easton acknowledged the submissions⁵⁵ received in support of the policy.
213. Ms Easton supported a submission from Westpower (S547.427) that sought to amend the policy to allow a reduction in public access where there was a health and safety reason. Ms Easton considered that the dynamic nature of the coastal environment, including erosion and land stability, could create risks for public access that may warrant a reduction in public access. She also noted that in locations such as ports, industrial areas or other land uses in townships, there may be a reasonable need to restrict public access.
214. Ms Easton did not support a submission point from GDC (S608.651) opposing the word 'minimise' on the basis that priority should be placed on natural hazard management because maintaining public access would increase the cost of natural hazard protection works. She considered the policy recognised that at times there may be an impact on public access where there was a significant hazard that needed to be addressed. She considered it was important to recognise that maintaining public access was a matter of national importance under the RMA and this policy provided guidance on how to manage this matter.

Policy CE - P8

215. Ms Easton acknowledged the submissions⁵⁶ received in support of the policy.
216. Ms Easton supported submission points from Buller Conservation Group (S552.130) and Frida Inta (S553.130) that sought amendments to amend CE-P8 or combine it with policy CE-P3 because it was a repeat. She noted that CE-P3 applied to areas of outstanding and high coastal natural character and outstanding coastal natural features, but that the reference to 'overlay chapter areas' included other overlays not addressed in CE-P3. She considered the reference to 'overlay chapter areas' was of limited utility because these matters were addressed in other chapters.
217. Ms Easton noted that Policy CE-P3 was intended to give effect to WCRPS Chapter 9, Policy 2 in relation to the National Grid, which stated:

(1) In the case of the National Grid, operation, maintenance or minor upgrading of existing National Grid infrastructure shall be enabled.

(2) In the case of the National Grid, following a route, site and method selection process and having regard to the technical and operational constraints of the network, new development or major upgrades of the National Grid shall seek to avoid adverse effects, and otherwise remedy or mitigate adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features

⁵⁵ Te Mana Ora (S190.477), Craig Schwitzer (S96.022), Tim and Phaedra Robins (S579.020), Tim Macfarlane (S482.013), Russell and Joanne Smith (S477.013), Claire & John West (S506.013), Lauren Nyhan & Anthony Phillips (S533.013) Stewart & Catherine Nimmo (S559.013), Joel & Jennifer Watkins (S565.023), Snodgrass Road submitters (S619.044)

⁵⁶ Te Mana Ora (S190.478), Craig Schwitzer (S96.023), Transpower New Zealand Limited (S299.068)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

and landscapes, and areas of high and outstanding natural character located within the coastal environment. In some circumstances, adverse effects on the values of those areas must be avoided.

218. Ms Easton considered that WCRPS Policy 2(2) was addressed in CE-P3 and therefore policy CE-P8 should be reworded to address the general direction in WCRPS Policy 2(1). She recommended CE-P8 be reworded as follows:

Enable the maintenance, repair, operation and minor upgrade of the National Grid.

219. Ms Easton did not support the submission point from the Director General (S602.149) that sought to amend the policy to replace ‘seek to avoid, and otherwise remedy or mitigate’ adverse effects’ with ‘apply the effects management hierarchy to manage’ because her recommended amendment was to delete the reference to the overlay chapters.
220. Ms Easton did not support a submission point from Forest and Bird (S560.288) that sought to delete the policy because she considered it was appropriate to give effect to WCRPS Chapter 9 Policy 2.
221. Ms Easton did not support submission points from GDC (S608.652) and KiwiRail (S442.076) that sought the policy be expanded to critical/regionally significant infrastructure. She noted that the WCRPS policies specifically enable and support the National Grid and renewable electricity generation energy activities, but not other regionally significant or critical infrastructure.

Reporting Officer Supplementary Statement

222. Following the first day of the hearing, Ms Easton issued a supplementary statement amending her recommendations in relation to excluding the urban areas of Westport, Hokitika and Greymouth from the Coastal Environment due to the direction of the NZCPS. She noted that, as drafted, the rules would not apply, but the coastal objectives and policies would be relevant to any assessment of resource consent applications for activities in these areas. Ms Easton advised she had reviewed eight recent district plans and noted that all but one of these identified urban areas within the Coastal Environment.
223. Ms Easton noted the s42A Report had made a consequential amendment to CE-P6, which she also withdrew as a result of this change. This was to amend the text from ‘including areas on the edges of Westport, Greymouth and Hokitika,’ to ‘including parts of Westport, Greymouth and Hokitika’.

Hearing and Submitter Evidence/Statements

224. Mr Brass, for the Director General of Conservation, advised he was neutral on the s42A Report recommendation to amend CE-P2, although he considered it superfluous as subdivision, use and development were implicit in the activities the policy could apply to. However, he noted the proposed wording would inadvertently mean that clauses (a)-(e) would apply to the activity, not the area, and therefore recommended the following change:

*Preserve **from inappropriate subdivision, use and development** the natural character, natural features and landscape qualities and values of areas within the coastal environment ~~from inappropriate subdivision, use and development~~ that have...*

225. Mr Brass continued to seek the change to CE-P3 to add a new clause ‘adverse effects on areas of significant indigenous biodiversity, areas of outstanding natural character and outstanding

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

natural landscapes and features are avoided’ and noted that this was not addressed in the s42a Report. He stated the Reporting Officer may have considered the matter was addressed in CE-P2, but noted that it only applied in scheduled areas, whereas NZCPS Policies 11, 13 and 15 apply to the values in the coastal environment more generally. He also suggested that alternative relief could be provided in the form of an amendment to CE-P3 clauses (a)-(e) to state: *‘[value], including as described in Schedule [X]’*, although he preferred the amendment requested in the submission for clarity and completeness. He considered the proposed changes to CE-P3 provided clear policy to give effect to the NZCPS when such values are identified in a resource consent process.

226. Mr Brass did not pursue the submission point that sought reference to the effects management hierarchy and acknowledged the practical difficulties in applying this to natural character, natural features and landscape. He accepted the s42A Report recommendation to not support applying an effects management hierarchy in CE-P8. He noted the WCRPS directed that minor upgrades be enabled; and major upgrades avoid, remedy or mitigate adverse effects. He identified that the s42A Report recommended adding the term *‘minor upgrade’*, but that the amendments to the policy did not include *‘minor’* and would enable any upgrade. Mr Brass considered this was an unintended error and recommended it was corrected to *‘minor upgrade.’* He did not oppose the other changes recommended in the s42A Report to CE-P8.

227. Ms Inta considered an additional policy should be included as follows:

Encourage restoration and rehabilitation of natural character, indigenous vegetation and habitats, cultural landscape features, dunes and other natural coastal features or processes.

228. Ms Inta noted that the ECO Chapter and NC Chapter had similar policies; and that NZCPS Objective 2 encourages restoration of the coastal environment. She noted the recommended addition of the word *‘minor’* to CE-P8 had been omitted.

229. The letter from Poutini Ngāi Tahu supported the s42A Report recommended changes to CE-P1 and CE-P6. It noted a disconnection between CE-P3, which applied to all the coastal environment, and rule CE-R3, which only allowed Poutini Ngāi Tahu Activities and Māori Purpose Activities outside the outstanding coastal environment area.

230. The letter from KiwiRail considered that Ms Easton’s recommendations to provide for the National Grid in policies CE-P3 and CE-P8 would have significant implications for the railway network, which is partly located in outstanding areas across the region. KiwiRail considered the railway network to be a lifeline utility, noting it fell within the Plan definition of regionally significant infrastructure. They considered it was critical for the Plan to recognise and provide for activities that were necessary to ensure the safe and efficient operation of the railway network (including maintenance, repair and upgrade), including in circumstances where there was a functional or operational need for those activities to be undertaken in the coastal environment. KiwiRail continued to seek reference to critical infrastructure in CE-P3 and CE-P8. KiwiRail generally accepted the recommendations on their other submission points, as set out in the s42A Report.

231. The letter from NZTA continued to seek that CE-P3 more broadly captured critical infrastructure and regionally significant infrastructure where it had an operational and/or functional need within the Coastal Environment. NZTA considered that the WCRPS recognised that it may be appropriate for new infrastructure to be located within a sensitive environment to achieve a net benefit or to lower adverse effects; and consider this policy anticipated some

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

effects could occur within the Coastal Environment. In relation to other submission points, NZTA accepted the recommended amendments in the s42A Report.

232. Silver Fern Farms supported Ms Easton’s recommendations relating to CE-P5(c) and in relation to their submissions on policies CE-P1, P5 and P6 and did not provide further comment.
233. The letter from Transpower accepted the s42A Report recommendations on policies CE-P1, CE-P2, CE-P3, CE-P5 and CE-P6. In relation to the s42A Report recommendations on CE-P8, Transpower supported the concept of the text, but considered the wording was confusing. They sought additional changes as follows:

*Energy, Infrastructure and Transport – These chapters contain the objectives, policies, **and** rules for managing energy activities, infrastructure and transport. These apply alongside the ~~District Wide rules including the Coastal Environment provisions within this chapter~~*

234. Transpower considered the insertion of ‘and’ was a minor grammatical error. It considered reference to ‘district wide rules’ was confusing because the objectives and policies would also apply, noting that the Energy Chapter overview referred to ‘Coastal Environment Overlay provisions and District Wide provisions’.
235. Mr Kennedy, for Westpower, sought a further amendment to CE-P1(h) to refer to ‘regionally significant infrastructure’, noting that there were variations in the definitions of ‘infrastructure’ and ‘regionally significant infrastructure’. In relation to CE-P2, Mr Kennedy noted a recommended change to ECO-R5 in the ECO Chapter and considered this illustrated the issues with separating matters. He expressed concern that the provision of evidence for ECO Chapter was closed, so submitters on that chapter would not have an opportunity to respond to this change.
236. Mr Kennedy continued to seek that CE-P3 provide for regionally significant infrastructure via an amendment to subclause (e). He noted that the WCRPS recognises that electricity activities are required to be located in these areas, and considered that the TTPP did not adequately recognise this or achieve the WCRPS objectives and policies. In the absence of alignment with the WCRPS, he considered there was no policy for RSI in these areas other than the National Grid. He requested that CE-P3 be reworded in either of the following ways:

~~Only a~~ Allow new subdivision ...

*(e) It is National Grid infrastructure **or other regionally significant electricity distribution and renewable electricity generation infrastructure, activities and networks** that ~~has~~ **be undertaken** in these areas.*

or

~~Only a~~ Allow new subdivision ...

*(e) It is National Grid infrastructure **or other regionally significant infrastructure** that has a functional or operational need to ~~locate~~ **be undertaken** in these areas.*

237. Mr Kennedy supported the s42A Report recommended amendments to CE-P5 and CE-P7. He generally agreed with the recommendations on CE-P6, but noted that the NZCPS required the avoidance of significant adverse effects in high natural character areas. He considered clause (c)(iv) should therefore either be deleted or reworded to focus on the avoidance of significant adverse effects, which was consistent with the NZCPS and Policy 1 of Chapter 9 of the WCRPS.

Reporting Officer Reply Evidence

238. In her Right of Reply Ms Easton confirmed that Te Tumu Paeroa had not withdrawn any submissions that would affect recommendations on the Coastal Environment Chapter.
239. In response to a Panel question asking whether she considered ‘*minimise*’ as defined equated to a more than minor effect in relation to the NZCPS policies, Ms Easton considered ‘*minimise*’ was less stringent than ‘*avoid*,’ but implied a greater degree of reduction in effect than ‘*remedy or mitigate*.’ She considered the level of adverse effects that might arise from minimised effects would often be less than minor, but noted that this would not always be the case; and that ‘*where practicable*’ introduced an economic element in decision making.
240. In response to a Panel question asking whether there was a need for policy amendments to address cumulative effects, Ms Easton noted there were no provisions to manage these. She considered this omission did not give effect to the NZCPS. She considered the Forest and Bird submission provided scope to address this matter and recommended amendments to CE-P3, CE-P4, CE-P5 and CE-P6 to add ‘*including adverse cumulative effects*.’
241. Ms Easton confirmed that the recommended wording of Policy CE-P2 had omitted the words ‘*and protect these*’ as highlighted by Mr Brass. She considered this was an error of omission and recommended it was corrected as follows:

*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: ...*

242. The Panel queried whether Policy CE-P3 should refer to ‘*Poutini Ngāi Tahu Activities*’ or ‘*Cultural purposes*.’ Ms Easton noted that the definition for ‘*Poutini Ngāi Tahu Activities*’ was narrower than ‘*Māori Purpose Activities*’ and were provided for in the policy, where located in a Māori Purpose Zone and in accordance with an Iwi Management Plan. She therefore considered ‘*Poutini Ngāi Tahu Activities*’ was appropriate in this policy.
243. The Panel requested that Policy CE-P3 be amended to clarify the difference between where significant adverse effects versus adverse effects must be avoided. To achieve this, Ms Easton recommended splitting clause (b) into two parts and including reference to ecosystems, biodiversity and coastal processes as follows:

*b. i. Significant adverse effects, **including cumulative adverse effects** on natural character, **ecosystems, biodiversity, coastal processes**, natural landscapes and natural features, and*

*ii. adverse effects on areas of significant indigenous biodiversity, areas of outstanding **and high** natural character and outstanding **coastal** natural landscapes and **outstanding coastal natural** features are avoided;*

244. The Panel queried how minor or transitory effects referenced in the policies in the WCRPS were addressed. In response, Ms Easton confirmed that the TTPP did not specifically address these in the Coastal Environment policies, but considered it gave effect to these policies by identifying the types of activities that were appropriate and met the tests in CE-P3. However, she acknowledged the ‘*avoid*’ component in CE-P3(b) could be interpreted as not providing for minor or transitory effects that may not be adverse effects and that the addition of cumulative effects could strengthen this interpretation.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

245. Ms Easton considered that the Westpower submission provided scope to address this matter because it sought consistency with the WCRPS Chapter 9, Policy 3. She recommended an additional clause (f) was added to CE-P3 as follows:

f. it has a minor or transitory effect that does not have an adverse effect on the area of significant indigenous biodiversity, area of outstanding or high natural character, outstanding natural landscape or outstanding natural feature.

246. The Panel requested that Ms Easton respond to the written evidence of KiwiRail and NZTA in relation to using critical infrastructure versus RSI in relation to Policy CE-P3. Ms Easton reiterated her view expressed in the s42A Report that there was no policy direction in the NZCPS or WCRPS providing for critical infrastructure/regionally significant infrastructure within identified outstanding areas of the coastal environment. She noted that while NZTA submitted evidence that WCRPS Chapter 9, Policy 5 created a framework that means RSI should be included in the policies, she highlighted Policy 5 was in relation to sites of significance to Poutini Ngāi Tahu.

247. The Panel requested Ms Easton provide an updated recommendation on Policy CE-P5 to address drafting issues and cumulative effects. Ms Easton recommended amendments as follows:

e. Are renewable electricity generation activities ~~where the coastal environment is where the renewable electricity resource is available;~~

g Ensure that significant adverse effects, including cumulative adverse effects, on amenity, natural character, historic and cultural values, and biodiversity are appropriately managed

248. The Panel queried whether the readability of CE-P6 would be improved if the different types of areas were split into two policies. Ms Easton agreed it would and recommended amending the policy as follows:

CE – P6

Recognise that there are existing settlements and urban areas located within the coastal environment of the West Coast/Te Tai o Poutini including parts ~~areas on the edges of~~ Westport, Greymouth and Hokitika and in these areas enable ~~new~~ subdivision, ~~buildings and structures~~ use and development ~~within~~ and expansion of towns and settlements where these activities are located in areas already modified by built development or primary production activities.

CE – P6A

In areas of ~~outstanding~~ or high natural character:

- i. Provide for lawfully established land uses and activities to continue;*
- ii. Allow for other uses with a functional need or operational need to locate in the coastal environment;*
- iii. Allow for Poutini Ngāi Tahu ~~cultural~~ uses Activities and Māori Purpose Activities;*
- iv. Avoid encroachment into unmodified areas of the coastal environment; and*
- v. Ensure subdivision and development is of a scale and design where adverse effects, including cumulative adverse effects, on the elements, patterns and processes that contribute to natural character are ~~minimised~~ avoided, remedied or mitigated*

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

249. The Panel queried whether Policy CE-P7 should be in the Public Access Chapter, and Ms Easton agreed it should because the Planning Standards regulation 22 directed that all public access provisions must be located in this chapter. She considered there was no scope to amend Policy CE-P7 to better address NZCPS Policy 19. She noted that none of the submissions from Inger Perkins, West Coast Penguin Trust or Herenga ā Nuku Aotearoa Outdoor Access Commission sought consistency with the NZCPS or amendments to reflect Policy 19.
250. The Panel requested that Ms Easton responded to Transpower’s evidence on Policy CE-P8 and provide information on the extent to which the Transpower network traversed the coastal environment. Ms Easton reviewed the Transpower designation and advised that it included areas within the coastal environment around Westport and Greymouth, but did not pass through any area of Outstanding Natural Landscape, Outstanding Natural Character, High Natural Character or Site of Significance to Māori within the coastal environment.
251. Ms Easton noted that Transpower sought the notified version of CE-P8 was retained with minor modifications. She highlighted her s42A Report recommended an amendment in response to Frida Inta’s submission, which considered there was duplication in the policies. She confirmed she was comfortable with retaining the “*seek to avoid*” limb of the policy as sought by Transpower.
252. Ms Easton noted that the evidence of Mr Brass raised issues with the term “*upgrade*” rather than “*minor upgrade*” being included in the first limb of the policy. She agreed with the evidence of Mr Brass that the WCRPS referred to “*minor upgrade*” and agreed it was a drafting error that the word “*minor*” was omitted. She therefore recommended amendment to CE-P8 as follows:
- Enable the maintenance, repair, ~~and~~ operation and **minor upgrade** of the National Grid. Where new development and upgrades of the National Grid are required, seek to avoid and otherwise remedy or mitigate adverse effects on Overlay Chapter areas.*
253. In response to a Panel query on whether there was scope for a new policy on restoration of the coastal environment and whether she would support such a policy, Ms Easton considered such a policy could be useful, but advised that she had not found scope in any submission. She advised that Frida Inta sought expansion of the existing restoration policy in the ECO Chapter, but had not sought any provisions around restoration in the coastal environment. She considered there was no scope provided in the submission from the West Coast Penguin Trust.

Hearing Panel’s Evaluation

Policies as Whole

254. NZCPS Policy 13 uses ‘*preserve*’ in the context of natural character of the coastal environment only and specifically recognises this is not the same as natural features and landscapes. Policy 13 provides guidance on the thresholds of adverse effects for ‘*appropriate*’ subdivision, use and development, which is to:
- (1) Avoid adverse effects on natural character in the coastal environment with outstanding natural character; and
 - (2) Avoid significant adverse effects and avoid, remedy and mitigate other adverse effects on natural character in all other areas of the coastal environment.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel

General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

255. The Panel disagree with Ms Easton's response to the submission point of Forest and Bird (S560.283) that sought a further policy to apply outside of areas of outstanding and high coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features. The Panel do not consider that it is appropriate to rely on the wording of CE-P3 because that policy is specific to activities within outstanding areas, rather than outside them, and CE-P5 is limited to buildings and structures outside them, so management of other activities in accordance with the NZCPS and WCRPS is necessary. However, we do not consider there is a need for a new policy because CE-P2 and CE-P3, as notified, both relate to outstanding and high natural character and significant indigenous biodiversity. Both policies also elevated high natural character areas to the same level as outstanding natural character. This was recognised by the planners at the hearing and Ms Easton's recommendation addressed this in CE -P3 by deleting 'High' but did not address this in CE-P2 in terms of the reference to Schedule Seven. Similar to CE-O1, CE-P2 inappropriately uses 'preserve' in relation to natural features and landscapes instead of just natural character as directed by the NZCPS and WCRPS.
256. To address this, and to be consistent with the higher order statutory direction, the Panel prefer to amend CE-P2 to avoid significant adverse effects on indigenous biodiversity, natural character, and natural features and landscapes outside of outstanding coastal environment areas, including high coastal natural character areas and the coastal environment generally. This addresses the significant gap identified by Forest and Bird and other submitters in relation to consistency with NZCPS Policy 11, 13 and 15.

Policy CE – P1

257. The Panel accepts Ms Easton's reasoning and recommended amendments to Policy CE-P1, as shown in Appendix 1 of the s42A Report. We agree that these amendments are important elements of the coastal environment and give effect to the NZCPS and WCRPS. We have made a minor amendment to the recommended addition in clause (a) to replace '*...saltmarshes, coastal wetlands, and the margins of these*' with '*saltmarshes and coastal wetlands and their margins*'.

Policy CE – P2

258. The Panel note that CE-P2, as notified, has similar problems with CE -O1. In line with our discussion above, we recommended amendments to focus this policy on values and areas in the coastal environment outside of outstanding coastal environment areas and areas of significant indigenous biodiversity.
259. We consider wording of the recommended address the concerns raised by Mr Brass (for the Director General) and is appropriate given the direction of the NZCPS and WCRPS.
260. In response to Forest and Bird's (S560.532) concerns about vegetation clearance in the coastal environment that may adversely affect natural character, Ms Easton acknowledged that Rule ECO-R5 did not adequately address this and therefore recommended adding a new matter of discretion '*Effects on natural character, natural landscapes, and natural features in the coastal environment*'. We agree this is a gap given the potential for adverse effects on natural character from indigenous vegetation clearance, but recommend the new matter of discretion added is '*Effects on the natural character of the coastal environment*'. We note Mr Kennedy's concerns that the date for the provision of expert evidence for the ECO Chapter was before the CE Chapter hearing. However, we consider any submitter could have spoken at the ECO

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

Chapter hearing in relation to Ms Easton’s recommendation and therefore no party was prejudiced.

Policy CE – P3

261. The Panel generally accepts Ms Easton’s reasoning and recommended amendments to Policy CE-P3, as shown in Appendix 1 of the Right of Reply. However, as discussed above, we have deleted clause (b) related to significant adverse effects, which is now included in CE-P2. We have also made amendments to use the defined term ‘*Outstanding Coastal Environment areas*’.
262. The Panel agree with the recommended wording changes to clause (d) (renumbered clause (e)). However, we consider the addition of subclause (ii) should be ‘*Māori Purpose Activities within the Māori Purpose Zone Iwi/Papatipū Rūnanga Management Plan*’ in recognition the Māori Purpose Zone provisions apply.
263. The Panel agree with Ms Easton that it is not appropriate to widen clause (e) (renumbered clause (f)) to include other activities given the direction of the NZCPS and WCRPS. We agree with Ms Easton that the exemption in the WCRPS Chapter 9, Policy 2 for activities within outstanding and significant areas in the coastal environment is specific to the National Grid only. We also agree WCRPS Chapter 9, Policy 4 in relation to renewable electricity generation is within the coastal environment and not significant and outstanding areas. We therefore reject these submission points.
264. The Panel accepts Ms Easton’s recommendation to add a new clause in relation to minor and transitory adverse effects to give effect to WCRPS Chapter 9, Policy 3(d). We also acknowledge this threshold of minor or transitory adverse effects in relation to the ‘*avoid*’ direction is consistent with case law. We consider submission points seeking consistency with the WCRPS provide scope for this change. However, we consider this should be simplified to ‘*It has a minor or transitory effect*’.

Policy CE – P4

265. The Panel accepts Ms Easton’s reasoning and recommended amendments to Policy CE-P4, as shown in Appendix 1 of the s42A Report. We agree that these amendments give effect to the NZCPS and WCRPS. We recommend a minor amendment to add ‘*within areas of*’ to reflect the identification of these areas in the Plan. We consider ‘*including cumulative effects*’ is not necessary given the RMA definition for ‘*cumulative*’ included cumulative effects. This also relates to CE-P5 as recommended.
266. The Panel considers it is also appropriate to use the defined term ‘*Outstanding Coastal Environment areas*’ in new clause (f).

Policy CE – P5

267. The Panel accepts Ms Easton’s reasoning and recommended amendments to Policy CE-P5, as shown in Appendix 1 of the s42A Report. We agree that these amendments give effect to the NZCPS and WCRPS.

Policy CE – P6

268. The Panel accepts Ms Easton’s reasoning and recommended amendments to Policy CE-P6, as shown in Appendix 1 of the s42A Report, with two minor amendments discussed below. We

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

agree that separating the policy into two parts, addressing subdivision, use and development located in areas already modified by activities separately from activities located within areas of high natural character, is appropriate. We are satisfied that these amendments give effect to the NZCPS and WCRPS.

269. The Panel has considered Forest and Bird’s submission (S560.286) to replace ‘*Allow for*’ with ‘*Consider*’ in clause (c)(ii) (now renumbered clause (b) in new ECO-P7). We agree that ‘*allow*’ is not appropriate in the areas of high natural character given the rule framework. We accept this submission point in part and recommend ‘*Allow for*’ is replaced with ‘*Provide for*’. We also recommend adding ‘*uses*’ clause (c)(v) (now renumbered clause (b) in new ECO-P7) for consistency.

Policy CE – P7

270. The Panel accepts Ms Easton’s reasoning and recommended amendments to Policy CE-P7, as shown in Appendix 1 of the s42A Report. We agree this policy should be relocated to the Public Access Chapter and renumber Policy PA-P2.

Policy CE – P8

271. The Panel accepts Ms Easton’s reasoning and recommended amendments to Policy CE-P8 (renumbered CE-P9), as shown in Appendix 1 of the s42A Report. We agree it not appropriate to include regionally significant infrastructure given the direction of the WCRPS. We agree it is appropriate to add ‘*minor upgrade*’ as requested by Mr Brass to give effect to the WCRPS and accept Ms Easton’s view that this is a drafting error.

New Policies

272. The Panel has considered submitter requests for new policies. We accept Ms Easton’s reasoning and recommendations to not add any new policies. We consider our recommendations give effect to NZCPS Policy 11, 13 and 15; and provide appropriate policy direction for the coastal environment outside of areas of outstanding natural character and high natural character. We do not consider it is necessary to have a new policy for renewable electricity generation. We consider more investigation is required to restrict vehicle access to the coastal marine area and agree with Ms Easton that this is best addressed through the Regional Coastal Environment Plan or bylaws.

Hearing Panel’s Recommendation

273. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Coastal Environment Policies** as follows:

CE - P1	Identify and map a Coastal Environment overlay that recognises and provides for the extent of the coastal environment and different areas, elements or characteristics within it, including:
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- a. Areas where coastal processes, influences or qualities are significant **including coastal lakes, lagoons, tidal estuaries, saltmarshes and coastal wetlands and their margins;**⁵⁷
- b. Elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
- c. Areas along the coast and river mouths where coastal erosion and coastal inundation is likely, and within the wider coastal environment where there is a potential hazard risk ~~should accelerated sea level rise occur;~~⁵⁸
- d. Historic heritage and Poutini Ngāi Tahu ~~cultural areas or features~~ **values;**⁵⁹
- e. **Islands;**⁶⁰
- f. **Inter-related coastal marine and terrestrial systems, including the intertidal zone;**⁶¹
 - e.g. Areas of significant coastal vegetation and habitat of indigenous coastal flora and fauna species, **including migratory birds;**⁶² and
 - f.h. The built environment and infrastructure which have modified the coastal environment.

- CE - P2** Preserve the natural character, **and protect indigenous biodiversity and** natural features and landscapes **by avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on areas outside of Outstanding Coastal Environment areas, including within areas of high coastal natural character.**⁶³ ~~qualities and values of areas within the coastal environment that have:~~
- a. ~~Significant indigenous biodiversity including Significant Natural Areas as described in Schedule Four~~
 - b. ~~Outstanding natural landscapes as described in Schedule Five;~~
 - c. ~~Outstanding natural features as described in Schedule Six;~~
 - d. ~~High coastal natural character as described in Schedule Seven; and~~
 - e. ~~Outstanding coastal natural character as described in Schedule Eight.~~

⁵⁷ Director General of Conservation S602.143

⁵⁸ Director General of Conservation S602.143

⁵⁹ Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.202

⁶⁰ Director General of Conservation S602.143

⁶¹ Director General of Conservation S602.143

⁶² Director General of Conservation S602.143

⁶³ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.281 and S560.002, John Caygill S290.006, Riarne Klempel S296.006

CE - P3	<p>Only allow new subdivision, use and development within areas of outstanding and high⁶⁴ coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features where:</p> <ul style="list-style-type: none">a. The elements, patterns, processes and qualities that contribute to the outstanding or high natural character or landscape are maintained;b. Significant adverse effects on natural character, natural landscapes and natural features, and⁶⁵c. Adverse effects on areas of significant indigenous biodiversity, areas of outstanding natural character and Outstanding Coastal Environment areas natural landscapes and features are avoided;⁶⁶c.d. The development is of a size, scale and nature that is appropriate to the environment;d.e. It is for: a<ul style="list-style-type: none">i. Poutini Ngāi Tahu activities; orii. Māori Purpose Activities within the Māori Purpose Zone; oriii. Cultural harvest purpose; or⁶⁷e.f. It is National Grid infrastructure that has a functional and or operational need to locate in these areas.c. It has a minor or transitory effect.⁶⁸
CE - P4	<p>Provide for primary production activities within areas of the⁶⁹ outstanding and high natural character, outstanding natural landscapes and outstanding natural features within the coastal environment where:</p> <ul style="list-style-type: none">a. These are existing lawfully established activities and associated lawfully established buildings and structures; and or⁷⁰b. The use does not degrade protects the elements, patterns or processes that contribute to the outstanding or high natural character values; and⁷¹c. Adverse effects on outstanding natural character, outstanding natural landscapes and outstanding natural features are avoided.⁷²

⁶⁴ Consequential amendment Royal Forest and Bird Protection Society of New Zealand Incorporated S560.281 and S560.002, John Caygill S290.006, Riarnne Klempel S296.006

⁶⁵ Consequential amendment Royal Forest and Bird Protection Society of New Zealand Incorporated S560.281 and S560.002, John Caygill S290.006, Riarnne Klempel S296.006

⁶⁶ Director General of Conservation S602.145, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.282, Transpower New Zealand Limited S299.065

⁶⁷ Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.203, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.282

⁶⁸ John Caygill S290.006

⁶⁹ RMA First Schedule, Clause 16

⁷⁰ Director General of Conservation S602.146

⁷¹ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.284

⁷² Director General of Conservation S602.146

CE - P5 Provide for buildings and structures within the coastal environment outside of areas of outstanding coastal natural character, outstanding natural landscape and outstanding natural features where these:

- a. Are existing lawfully established **buildings or**⁷³ structures; or
- ~~b. Are of a size, scale and nature that is appropriate to the area; or⁷⁴~~
- c. Are in the parts of the coastal environment that have been historically modified by built development, **infrastructure**⁷⁵ and primary production activities; or
- d. Have a functional **need**⁷⁶ or operational need to locate within the coastal environment; **or**
- e. **Are new renewable electricity generation activities** where the coastal environment is where the renewable electricity resource is available;⁷⁷
- f. **Are of a size, scale and nature that is appropriate to the area; and**⁷⁸
- g. **Ensure that significant adverse effects on amenity, natural character, historic and cultural values, and indigenous biodiversity are appropriately managed.**⁷⁹

CE - P6 Recognise that there are existing settlements and urban areas located within the coastal environment of the West Coast/Te Tai o Poutini including **parts** ~~areas on the edges~~⁸⁰ of Westport, Greymouth and Hokitika and enable **new** subdivision, ~~buildings and structures~~ **use and development** within⁸¹ and expansion of towns and settlements where: a. **These activities are located in areas already modified by built development or primary production activities.**~~or~~⁸²

CE - P7

- ~~b. Where located in unmodified areas, any adverse impact on natural character can be mitigated;~~⁸³
- e. In areas of ~~outstanding or~~⁸⁴ high natural character:

⁷³ Westpower Limited S547.419

⁷⁴ Director General of Conservation S602.147

⁷⁵ Westpower Limited S547.420

⁷⁶ RMA First Schedule, Clause 16

⁷⁷ Westpower Limited S547.411

⁷⁸ Director General of Conservation S602.147

⁷⁹ Director General of Conservation S602.147, Buller Conservation Group S552.128, Frida Inta S553.128

⁸⁰ RMA First Schedule, Clause 16

⁸¹ Westpower Limited S547.422

⁸² Consequential amendment from separating CE-P6 into two policies.

⁸³ Consequential amendment from separating CE-P6 into two policies. Buller Conservation Group S552.129, Frida Inta S553.129

⁸⁴ Director General of Conservation S602.148

	<ul style="list-style-type: none"> i. <u>a.</u> Provide for lawfully established land uses and activities to continue; ii. <u>b.</u> AllowProvide⁸⁵ for other uses with a functional need <u>or operational need</u>⁸⁶ to locate in the coastal environment; iii. <u>c.</u> Allow for Poutini Ngāi Tahu <u>Activities and Māori Purpose Activities</u>cultural uses;⁸⁷ iv. <u>d.</u> Avoid encroachment into unmodified areas of the coastal environment; and v. <u>e.</u> Ensure subdivision, <u>use</u>⁸⁸ and development is of a scale and design where adverse effects on the elements, patterns and processes that contribute to natural character are minimised <u>avoided, remedied or mitigated</u>.⁸⁹
<p>CE – P7</p> <p><u>PA – P2</u></p>	<p>Reduction in public access to the coastal environment can be considered when coastal hazard mitigation works are required to protect communities from a significant natural hazard threat <u>or for health and safety reasons</u>. When assessing proposals for natural hazard structures <u>a reduction in public access, measures to minimise</u> effects on public access should <u>will</u> be considered and ways to minimise them found, including:</p> <ul style="list-style-type: none"> a. Provision of alternate certain and enduring access; and b. Provision of public amenity or opportunity for environmental benefit <u>including</u> along the <u>any natural hazard mitigation structure</u>, provided that the physical integrity and function of the structure is maintained.⁹⁰
<p><u>CE - P8</u></p>	<p>Enable the maintenance, repair, and operation <u>and minor upgrade</u>⁹¹ of the National Grid. Where new development and upgrades of the National Grid are required, seek to avoid and otherwise remedy or mitigate adverse effects on Overlay Chapter areas.</p>

3.5. CE Rules that affect the whole coastal environment

Submissions and Further Submissions

274. Seventeen submission points and eight further submission points relating to the rules as a whole were summarised in a Table on pages 72-74 of the s42A Report. One submission point

⁸⁵ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.286

⁸⁶ Westpower Limited S547.424

⁸⁷ Consequential amendment Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.203, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.282

⁸⁸ RMA First Schedule, Clause 16

⁸⁹ Westpower Limited S547.426

⁹⁰ Westpower Limited S547.427

⁹¹ Director General of Conservation S602.149

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

- supported the provisions and 16 sought amendments. Four further submissions opposed some of the amendments and four supported some of the amendments.
275. Seven submission points that sought amendments to **controlled, restricted discretionary or discretionary activity rules** were summarised in a table on page 74 of the s42A Report.
276. Five submissions that sought **new rules** and 11 further submissions were summarised in a table on pages 75-76 of the s42A Report. All the further submissions opposed some of the amendments.
277. Thirty submissions and three further submissions received on **Rule CE-R1** were summarised in a table on pages 80-82 of the s42A Report. Twenty-two were in support and the remainder sought amendments. Three further submissions opposed some of the amendments.
278. Nine submission points received on **Rule CE-R2** were summarised in a table on pages 84-85 of the s42A Report. Seven were in support, one sought amendment and one was in opposition and sought the rule be deleted.
279. Ten submission points and one further submission point received on **Rule CE-R3** were summarised in a table on pages 85-86 of the s42A Report. Eight were in support and two sought amendments. The further submission opposed an amendment.
280. Fifty-eight submission points and 10 further submissions received on **Rule CE-R4** were summarised in a table on pages 87-94 of the s42A Report. Five submission points were in support, one was in opposition and sought the rule be deleted, and the remainder sought amendments or opposed the rule in part. Seven further submissions opposed some of the amendments and three supported some of the amendments.
281. Four submission points and one further submission received on **Rule CE-R13** were summarised in a table on pages 100-101 of the s42A Report. Two submission points were in support and two sought amendments. The further submission point opposed an amendment.
282. Twenty-four submission points and six further submissions received on **Rule CE-R14** were summarised in a table on pages 101-103 of the s42A Report. Two submission points were in support and the remainder sought amendments. Three further submissions opposed some of the amendments and three supported some of the amendments.
283. The Panel has considered the submissions and further submissions received and adopts the summaries of each within the s42A Report.

Section 42A Report

284. The submission point from the Snodgrass Road submitters (S619.045) supported the rules subject to amendments to CE-R4 and CE-R12, which are addressed below.
285. Ms Easton acknowledged the submission from KiwiRail (S442.078) in support of the permitted activity rules.
286. Transpower (S299.069) sought that either the rules section be amended to state that the rules did not apply to energy activities; or that the chapter be amended to be clear about which rules applied to the National Grid and whether the rules in this chapter apply in addition to the Energy Chapter rules. Ms Easton supported the alternative relief in part and clarified all

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

District-Wide chapters applied to energy activities and other infrastructure. She recommended the following text was added to the overview section:

Energy, Infrastructure and Transport – These chapters contain the objectives, policies, rules for managing energy activities, infrastructure and transport. These apply alongside the District Wide rules including the Coastal Environment provisions within this chapter.

287. Robert Burdekin (S378.001) sought clarification of what the intent and anticipated outcome was for property identified as being in the 'Coastal Environment' under the TTPP. Ms Easton supported this submission point in part because she considered the CE Chapter overview provided explanation of the chapter and provisions. Ms Easton noted that Mr Burdekin was concerned about how the CE overlay would impact his property and considered this was a matter for a direct conversation between him and the BDC in relation to activities he wished to undertake on his land.
288. BDC (S538.287) sought a consistency review and amendments to several rule headings. Ms Easton agreed there is a need for consistency and considered this to be addressed through the changes made to specific rules throughout the chapter.
289. Inger Perkins (S462.021) sought permitted activity rules be amended to prevent clearance of any vegetation providing habitat for indigenous coastal species. Ms Easton did not support this submission and noted that without on-site assessment there was no way of determining whether vegetation provided habitat for indigenous coastal species. She also noted this submission point was incorrectly allocated to this topic and was discussed in the ECO Chapter s42A Report in relation to another submission point from the same submitter. Ms Easton noted that she did not support the proposal in the ECO Chapter, as it would require any vegetation, including exotic vegetation and weeds, to be assessed to determine whether it provided habitat for indigenous species. Ms Easton considered that areas of exotic vegetation that provided significant habitat should be specifically identified and scheduled in the Plan.
290. Ms Easton did not support a submission point from Inger Perkins (S462.002) that sought amendments to the advice notes referring to the ECO Chapter to refer to clearance of other vegetation that may provide habitat for indigenous coastal species for the same reasons outlined above.
291. Ms Easton did not support a submission from Foodstuffs (S464.007) that sought the Settlement Zone be excluded from the coastal environment provisions. Ms Easton discussed this issue with Ms Gilbert in relation to her landscape review and noted she supported excluding urban Westport, Greymouth and Hokitika, but not the smaller settlements where there was significant remaining natural character that would be excluded.
292. Ms Easton noted that the rules were designed to recognise levels of development and ensure that in more natural areas, significant adverse effects on the natural character, features and landscapes of the coastal environment were avoided. As notified, the coastal environment included Market Cross at Karamea, which had a Four Square supermarket and Ms Easton's mapping recommendations were to exclude this township. She noted that this change may provide some relief to the submitters concerns. However, as discussed above, the recommendation to exclude urban areas from the CE was retracted by Ms Easton in her Supplementary Statement.
293. Ms Easton did not support a submission point from Jane Whyte & Jeff Page (S467.037) that sought the coastal environment rules did not apply to Punakaiki Village. She noted Punakaiki Village also fell within the Settlement Zone: Coastal Settlement Precinct, which had, in most

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

instances, more restrictive rules than those that were proposed in the Coastal Environment provisions. She considered this was appropriate because of the very high and widespread outstanding natural values within the Punakaiki area, and that these values are intrinsically linked to its location within the coastal environment.

294. Greg Maitland (S571.012), Frank and Jo Dooley (S478.002) and Avery Brothers (S609.085 and S609.086) sought amendments to make the rules more enabling of development. Ms Easton did not support these submission points, noting that no information was provided on what aspect of the rules was too restrictive, or how they could be amended in a way that fits within the requirements of WCRPS and NZCPS.
295. Ms Easton did not support a submission point from Forest and Bird (S560.533) that sought that additions and alterations were addressed within the same rule as for new buildings and structures. Outside of identified outstanding and high value areas, she did not consider that it was necessary or appropriate to restrict additions and alterations to existing buildings and that this would create an unreasonable degree of regulation on many properties within the coastal environment.
296. Ms Easton did not support a submission point from Forest and Bird (S560.534) that sought upgrades for infrastructure other than the National Grid be subject to more restrictive provisions and not be provided for at a permitted activity level. She considered that there was considerable variability in natural character and values across the coastal environment, and permitted upgrades were appropriate in more modified areas.
297. Ms Easton did not support a submission point from Joel and Jennifer Watkins (S565.021) that sought rules providing for buildings and structures of an appropriate scale because they considered the provisions flowing on from CE-P5 did not support this policy. Ms Easton noted the development rules provided for buildings with size, scale and nature appropriate to the area and considered that they appropriately differentiated between established urban areas and towns and other less intensively developed parts of the coast.
298. Ms Easton did not support a submission point from Cape Foulwind Staple 2 Ltd (S568.013) that sought a maximum building coverage within the coastal environment and considered this to be appropriately managed within the zone provisions.
299. Submission points from John Brazil (S360.041 and S360.042), Chris J Coll Surveying Ltd (S566.294), William McLaughlin (S567.358 and S567.365) and Laura Coll McLaughlin (S5574.294) sought resource consent requirements be amended to make various rules more enabling of development. Ms Easton did not support these submission points and considered the rules were appropriate to give effect to the WCRPS and NZCPS, subject to the recommended amendments.
300. Ms Easton supported a submission point from Poutini Ngāi Tahu (S620.207) that sought to add archaeological sites as a matter of discretion for all restricted discretionary activities within the Chapter. She noted there was a paucity of information on archaeological resources on the West Coast, with large numbers of archaeological sites both identified and unidentified.
301. Ms Easton supported in part a submission from Forest and Bird (S560.309 and S560.038) that sought a new discretionary activity rule for afforestation with plantation forestry in the coastal environment, outside of identified areas of high and outstanding coastal natural character. She noted it was possible to be more stringent than NES-CF in relation to afforestation, and that the plan proposed this in CE-R20 within outstanding areas. She considered it would be

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

undesirable for indigenous coastal vegetation to be cleared to be replaced by exotic species for commercial forestry, but noted that establishment of commercial forestry could be appropriate in more modified parts of the coastal environment. She therefore recommended a new restricted discretionary rule was added as follows:

CE-RXX Afforestation with Commercial Forestry in the Coastal Environment outside of High and Outstanding Coastal Natural Character Areas Where this requires the clearance of indigenous vegetation beyond the Permitted Activity Standard

302. Ms Easton did not support a submission point from NZDF (S519.033) that sought a new permitted activity rule for temporary military training activities. She noted that these were provided for in the Temporary Activities Chapter. She noted NZDF had not provided information about what aspects of their activities they sought to provide for in this new rule. She noted the submission point stated that they sought a rule requiring all permitted activity standards to be met and she considered that the activity would be covered by other provisions and there was no need for a new rule.
303. Ms Easton supported in part a submission point from Forest and Bird (S560.289) that sought the rules be amended and restructured so that conditions for earthworks were included within the same rule as the activities to which they related; unless the EW rules could be relied upon, in which case a condition or information note to that effect should be included. Ms Easton noted she proposed some significant restructuring of rules and additional provisions around earthworks, but not to the extent the submission point sought. She considered some additional restrictions on earthworks may be required in some instances to give effect to the NZCPS, and noted that this was discussed in relation to the specific rules.
304. Ms Easton did not support submission points from Forest and Bird (S560.312) and the Director General (S602.165) that sought a catch-all rule because she considered the CE rules focussed on key matters that could affect natural character and landscape values, and a catch-all rule could create a significant regulatory burden for activities with negligible adverse effects. She noted that other district-wide rules also applied in the coastal environment, and that she was not aware of any building, structures or earthworks that were not adequately addressed by the existing rules (including recommended amendments). Ms Easton considered that specific rules to address any activities not adequately managed by the rules would be more appropriate than a catch-all rule.

Rule CE-R1

305. Ms Easton acknowledged submissions⁹² in support of the rule as notified.
306. KiwiRail (S442.077) sought that critical infrastructure and railways be added to the rule title. Ms Easton supported the addition of '*regionally significant infrastructure*' and noted that because this included railways, railways did not need to be included separately.
307. Westpower (S547.428) sought to remove standard (1) as they considered it to conflicted with rules CE-R5-CE-R11. Ms Easton did not support this submission point because CE-R1 was intended to clearly provide for maintenance and repair of lawfully established structures and

⁹² John Brazil (S360.033), Avery Brothers (S510.083 and S510.057), Avery Bros (S510.065 and S510.091), Peter Langford (S615.092), Karamea Lime Company (S614.092), Catherine Smart-Simpson (S564.070), William McLaughlin (S567.351), Steve Croasdale (S516.072), Geoff Volckman (S563.064), Leonie Avery (S507.065 and S507.091), Jared Avery (S508.065 and S508.091), Kyle Avery (S509.065 and S509.091), Bradshaw Farms (S511.065 and S511.091), Paul Avery (S512.065 and S512.091), Brett Avery (S513.065 and S513.091), Chris & Jan Coll (S58.287), Chris J Coll Surveying Limited (S566.287), Laura Coll McLaughlin (S574.287), Neil Mouat (S535.041), NZTA Waka Kotahi (S450.135), Te Mana Ora (S190.479), Federated Farmers of New Zealand (S524.089), Buller District Council (S538.288)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

activities. She considered that removing standard (1) would require consequential amendments to other rules, making these more complex, which she considered was not an efficient approach.

308. Westpower (S547.429) also sought to add '*minor upgrade and upgrade*' to the rule and reference to energy activities and critical infrastructure. Ms Easton did not support the inclusion of upgrade or minor upgrade, clarifying that this rule applied across the coastal environment, including within sensitive areas. She noted it was intended to provide for maintenance and repair only, with more specific provisions applying in the High Coastal Natural Character Overlay and the Outstanding Coastal Environment Area with appropriate performance standards. She did not support the addition of energy activities because these were covered by network utilities and renewable electricity generation, but supported the addition of regionally significant infrastructure.
309. Ms Easton did not support a submission point from Forest and Bird (S560.290) that sought to delete the words '*lawfully established*' due to concerns that the rule did not appropriately manage effects on indigenous biodiversity. Ms Easton considered this was a matter addressed in the ECO Chapter and considered the cross-reference in Advice Note (1) was sufficient.
310. Ms Easton did not support a submission point from Forest and Bird (S560.0536) that sought a range of additional performance standards be added. She considered these changes would significantly restrict the maintenance and repair of lawfully established structures across a large area of modified coastal land, including many small settlements and areas of farmland, and would be excessive in this context. She considered that rules in other chapters, including ECO Chapter rules controlling vegetation clearance and Earthworks Chapter rules addressed some of the matters the submitter was concerned with. She considered an advice note referring to the Earthworks standards would be a useful addition.
311. Ms Easton did not support a submission point from Forest and Bird (S560.0537) that sought a restricted discretionary activity status where compliance was not achieved because she considered maintenance and repair activities were appropriately permitted and the rule did not provide for new activities.
312. GDC (S608.653) sought clarity on the activity status for listed activities outside the high or outstanding Coastal Environment. Ms Easton supported this submission point and recommended adding '*Activity Status Where Compliance Not Achieved: N/A*'.
313. GDC (S608.653) sought clarification on Rule NC – R1 and raised concern about the restrictions rendering the other permitted activity rules unusable. Ms Easton noted that this was a stand-alone rule providing for maintenance and repair activities.
314. In response to questions, Ms Easton agreed that two clauses under the '*Activity Status Where Compliance Not Achieved: N/A*' were advice notes and should be renumbered (4) and (5).

Rule CE-R2

315. Ms Easton acknowledged submissions⁹³ in support of the rule.
316. Forest and Bird (S560.291) sought to delete the rule and considered performance standards were needed. The submitter (S560.0575) also sought an amendment to require that Council

⁹³ William McLaughlin (S567.352), Steve Croasdale (S516.073), Chris & Jan Coll (558.288), Chris J Coll Surveying Limited (S566.288), Laura Coll McLaughlin (S574.288), Te Mana Ora (S190.480), Buller District Council (S538.288)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

be notified 10 days before works within 10m of any hazard mitigation/protection measure. Ms Easton did not support these submission points because the rule was part of a suite (rules CE-R1-CE-R4) that provide for a basic range of permitted activities in parts of the coastal environment that do not have specific scheduled values. Ms Easton considered that conservation activities have a low risk of adverse effects on natural hazard mitigation structures and that there was no need for Council to be notified of these activities.

Rule CE-R3

317. Ms Easton acknowledged submissions⁹⁴ in support of the rule.
318. Ms Easton supported a submission point from Poutini Ngāi Tahu (S620.205) that sought to amend the rule title to '*Māori Purpose Activities and Associated Buildings*' because she considered this would clarify that any buildings must be associated with the Māori Purpose Activity.
319. Ms Easton supported in part a submission point from Forest and Bird (S560.0576) that sought an additional standard requiring activities to be outside of outstanding areas, or other standards to achieve Policies 13 and 15 of the NZCPS. Ms Easton considered some of these activities could have significant effects on the natural character or landscape values of outstanding coastal areas and that these areas should be excluded from the rule, although she noted that cultural harvest activities should be permitted. Ms Easton noted she had recommended adding a definition for '*cultural harvest*' in the ECO Chapter s42A Report.
320. Ms Easton did not support a submission⁹⁵ point from Forest and Bird (S560.292) that sought to delete '*buildings*' from the heading because the rule would not apply in unmodified or outstanding areas of the coastal environment. She noted that the direction in the WCRPS was to avoid adverse effects on outstanding areas and avoid significant adverse effects on other areas. In this context she considered the provisions for buildings were appropriate.
321. Forest and Bird (S560.0577) sought to retain the advice note relating to indigenous vegetation clearance and the inclusion of an additional advice note referring to the Earthworks Chapter provisions. Ms Easton supported this submission point and considered this would provide clarity for Plan users.

Rule CE-R4

322. Ms Easton acknowledged submissions⁹⁵ in support of the rule.
323. A large number of submissions (refer to the s42A Report) opposed either or both of the proposed maximum height limit and gross floor area (**GFA**) standards, which would apply within the General Rural, Rural Lifestyle and Settlement Zones. The submitters consider these new provisions onerous in comparison to the operative plans, or to the built form standards within the zone rules. Ms Easton did not support these submission points and noted the rule was intended to give effect to direction in Policies 13 and 15 of the NZCPS and in the WCRPS Chapter 9 Policy 1, which required significant adverse effects on natural character, natural features and natural landscapes to be avoided. She noted that in locations outside the HCNC/OCNC/ONFL overlay areas, the coastal environment was relatively low lying and large buildings could dominate the landscape. She considered the proposed 7m height limit was

⁹⁴ William McLaughlin (S567.353), Chris & Jan Coll (S58.289), Chris J Coll Surveying Limited (S566.289), Laura Coll McLaughlin (S574.289), Te Mana Ora (S190.481), Buller District Council (S538.290)

⁹⁵ Te Mana Ora (S190.482), Transpower New Zealand Limited (S299.070), Horticulture New Zealand Limited (S486.045), Silver Fern Farms Limited (S441.025), Westpower Limited (S547.430)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

- appropriate because it was a reduction in scale in comparison to the wider zone standards, but still allowed for a full height barn or a split-level residential dwelling. She noted a maximum 7m height limit also applied in the Settlement Zone – Coastal Settlement Precinct and to non-residential buildings in the Rural Lifestyle Zone.
324. Ms Easton noted that a similar approach was taken to determining the maximum GFA standard and that 200m² provided for a larger than average residential dwelling, while placing some constraints on the degree of dominance over natural character and landscapes. She noted it was also consistent with the maximum permitted GFA in the Coastal Settlement Precinct.
325. Ms Easton noted that the submissions opposing the height and GFA standards did not address how visual impacts on coastal landscapes or adverse effects on natural character would otherwise be avoided, remedied or mitigated. She also noted that since the original landscape and natural character studies were undertaken in 2013, several locations previously considered to have outstanding or high natural character had been significantly degraded by development to the extent that they no longer met these definitions. She noted this was due to construction of residential built development changing the areas from being predominantly natural to modified in character.
326. Ms Easton did not support a submission from Cape Foulwind Staple 2 (S568.012) that sought to reduce the height limit to 5.5m and increase the maximum permitted GFA increased to 400m². Ms Easton disagreed that this would have a reduced visual impact compared to the proposed rule and considered that 400m² was exceedingly large for a residential dwelling, with the average new dwelling in New Zealand in 2023 being 141m². She noted the rule was intended to address impacts on natural character and indigenous biodiversity as well as landscape; and considered that 400m² buildings could have significant adverse effects on the natural character, biodiversity and landscape values of the coastal environment, which needed assessing through a resource consent process.
327. Ms Easton supported in part submissions from BDC (S538.291) and Federated Farmers (S524.090) that sought amendments to the standard to allow for larger farm buildings. BDC sought a 300m² GFA and Federated Farmers sought a 500m² GFA with a 10m height limit to allow for farm equipment storage. Ms Easton noted that neither submitter had provided information about the size of a typical agricultural building, nor how great a constraint the 200m² standard created. She had not been able to determine that a 10m high building would be required to house agricultural equipment typically used on the coast. Ms Easton invited these submitters to provide information on the size of agricultural buildings and the size of equipment they need to house at the hearing.
328. Ms Easton did not support a submission from Foodstuffs (S464.047) that sought an exemption for supermarkets. She noted that the Four Square at Karamea was the only supermarket in the coastal environment subject to the rule and was a single storey 400m² building. She considered it could be replaced under existing use rights without need for resource consent. She also noted that the review of the Coastal Environment boundary discussed in section 15 of the s42A Report recommended excluding Market Cross within Karamea, and if that recommendation was adopted then the Karamea Four Square would no longer be affected by this rule.
329. Ms Easton did not support a submission point from Bathurst (S491.030) that clause (2)(a) applies to the Mineral Extraction Zone and Buller Coalfields Zone to address a perceived conflict with Rule BCZ-R3. Ms Easton considered that the submitter had misinterpreted the

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

rule and noted the amendment sought would increase restrictions on the Mineral Extraction and Buller Coalfields Zone. However, we note this submission point was formally withdrawn at the hearing in Ms Hunter's evidence.

330. Ms Easton did not support submission points from Frida Inta (S553.121) and Buller Conservation Group (S552.121) that sought to amend standard (1) to refer to '*unmodified coastal area or area of high natural biodiversity*.' She considered that, as these areas were not identified or mapped Plan users, she could not determine whether an activity was permitted or not.
331. Ms Easton did not support a submission point from Snodgrass Road submitters (S619.046) that sought to remove the requirement for natural hazard mitigation structures to be constructed by a statutory agency or authorised contractor. She considered that natural hazard mitigation structures had the potential to result in significant adverse effects on natural character where this was undertaken within riparian margins. She considered that activities undertaken by a statutory agency were more likely to be designed and planned to consider adverse effects on the environment as there were other checks through their design and construction process. She considered this approach was consistent with that taken in the NC Chapter.
332. Ms Easton noted she had recommended a definition for '*Statutory Agency*' was added to the Plan in her Introduction and General Provisions s42A Report, as follows:
- Statutory Agency: means in relation to construction of natural hazard mitigation structures, a District or Regional Council, Waka Kotahi – New Zealand Transport Agency, Transpower New Zealand, KiwiRail New Zealand or the Department of Conservation.*
333. Ms Easton considered this definition addressed the first part of the submission point from Waka Kotahi NZTA (S450.136), however, she did not support excluding the state highway network from the schedules because they traverse many areas of high and outstanding natural values. She noted that legal road corridors were often much wider than the carriageway and vegetated, often containing significant natural values. She considered it was appropriate that the landscape and natural character areas assessment has been 'tenure neutral'.
334. Ms Easton supported a submission from GDC (S608.655) that sought to amend the rule to clarify the definition of '*Statutory Agency*' and ensure that the roading network was protected. She considered that the recommended definition addressed this matter.
335. Ms Easton did not support a submission from Forest and Bird (S560.293) that sought to amend Rule CE-R4 to include new structures and buildings, including those in High and Outstanding areas addressed in rules CE-R5 and CE-R10. Ms Easton noted CE-R4 was focussed on areas outside of high and outstanding overlays and considered that combining the rules made them more complex and would not improve the usability of the Plan.
336. The Director General (S602.150) sought several amendments including:
- (a) Amending the rule to require that all buildings were set back more than 25m from the coastal marine area;
 - (b) Deleting clause (b) which provided for energy activities, network utilities and ancillary earthworks subject to provisions in the Energy, Infrastructure and Transport chapters;
 - (c) Deleting clause (c) which provided for natural hazard mitigation structures constructed by a Statutory Agency or their authorised contractor;

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

- (d) Amending clause (1) to refer to overlay chapter areas, rather than the specific listed overlays; and
 - (e) Amending the Advice Note to refer Plan Users to the Overlay Chapters and Zone Chapters for additional rules in relation to buildings and structures, rather than listing the specific chapters.
337. In considering this submission point, Ms Easton considered consistency with other natural character provisions in the Plan, in particular the NC Chapter. She supported the proposal for a setback from the coastal marine area for new buildings, as this was the location where natural character values, as well as habitats of coastal fauna and remnant vegetation were most likely to be located, even in relatively modified rural areas and settlements. She noted that the WCRCP or WCRLWP included setbacks for earthworks and on-site effluent discharge, but did not include setbacks for buildings, structures or other activities from the coastal marine area. She noted that in the operative district plans, rural zones all included setbacks of 50-150m for buildings to protect natural character and natural hazards. She noted that the Coastal Hazards Chapter provisions that restrict buildings did not address natural character, and considered a 25m setback for buildings in the Rural Zones and Open Space and Recreation Zones was appropriate.
338. Ms Easton supported in part the request to delete clauses (b) and (c) and considered the following buildings should be permitted within the 25m setback area:
- (a) New network utility buildings where these were located within a formed legal road; and
 - (b) The construction of parks facilities and parks furniture within an Open Space and Recreation Zone.
339. Ms Easton did not support applying the setback to structures because this would capture a wide range of potentially appropriate activities that have minor effects on the coastal environment.
340. Ms Easton supported in part the proposed amendment to clause (1), noting that historic heritage and Sites of Significance to Māori were appropriately managed through the provisions in those chapters of the Plan and did not require further restriction under the CE Chapter. She did not support additional controls on activities in SNA being included in the CE Chapter. However, she considered clause (1) could be amended to refer to just the '*Outstanding Coastal Environment Area*' (which encompassed the areas of Outstanding Natural Landscape, Outstanding Natural Features and Outstanding Coastal Natural Character within the coastal environment) and to the '*High Coastal Natural Character overlay*' because this would simplify the rule wording to some extent.
341. Ms Easton supported the proposed amendment to the Advice Note to refer to Overlay Chapters and Zone Chapters in relation to additional rules that may apply to buildings and structures.
342. Forest and Bird (S560.0578) sought several amendments as follows:
- (a) To apply within the Open Space and Recreation Zones and only allow for parks facilities or parks furniture;
 - (b) To apply within the Māori Purpose Zone where these buildings also met CE –R3;
 - (c) Reduce the permitted gross ground floor area to 100m²;
 - (d) To regulate earthworks and provide only for these where they are for:

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

- i. Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site; and
 - ii. Any earthworks are limited to fill, excavation or removal of no more than 250m² and 250m³; and
- (e) Delete reference to natural hazard mitigation structures; and
- (f) Amend reference to energy activities and network utilities to only those that were permitted activities in the Energy, Infrastructure and Transport chapters of the Plan.
343. Ms Easton supported this submission point in part. She supported the provisions also applying to the Open Space Zone (outside of the settlements of Greymouth, Hokitika and Westport) and the Natural Open Space Zone in all locations in relation to the recommended 25m setback. She also supported the addition of a requirement that energy and network utilities also be Permitted Activities in the Energy, Infrastructure and Transport Chapter.
344. Ms Easton did not support the rule applying to the Sports and Recreation Zone as this was predominantly found within the most modified parts of the coastal environment. She also did not support the rule applying in the Māori Purpose Zone because buildings were only provided for as a permitted activity under Rule CE – R3, where they were undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan. She did not support a reduction in permitted GFA to 100m², as she considered the proposed 200m² limit was appropriate. She did not support deleting natural hazard mitigation structures constructed by a statutory agency, as previously discussed. She did not support restrictions on earthworks, noting that other district plans reviewed almost universally only applied restrictions on earthworks where they are in areas of high or outstanding natural character.

Rule CE-R13

345. Ms Easton acknowledged submissions⁹⁶ in support of the rule as notified.
346. Ms Easton did not support a submission point from Forest and Bird (S560.302) that sought a discretionary activity status in the outstanding coastal environment. She noted that enabling and supporting Tino Rangatiranga was a key strategic focus of Te Tai o Poutini Plan. Within this context, she considered that a sufficient assessment of any adverse effects on outstanding values was able to be undertaken and managed through a restricted discretionary activity rule.
347. Ms Easton did not support a submission from GDC (S608.660) that sought reference to the escalation status where the rule was not met, noting that the submitter appeared to have misinterpreted the rule as there was no escalation.

Rule CE-R14

348. Ms Easton acknowledged the submissions⁹⁷ in support of the rule.
349. Sixteen submitters⁹⁸ sought the rule be amended to be more enabling of development as they considered it was too restrictive. Ms Easton did not support these submissions, noting that

⁹⁶ Te Mana Ora (S190.491), Buller District Council (S538.300)

⁹⁷ Te Mana Ora (S190.492), Buller District Council (S538.301)

⁹⁸ Avery Bros (S510.101), Peter Langford (S615.103), Karamea Lime Company (S614.103), Catherine Smart-Simpson (S564.081), William McLaughlin (S567.359), Steve Croasdale (S516.079), Geoff Volckman (S563.070), Leonie Avery (S507.101), Jared Avery (S508.101), Kyle Avery (S509.101), Bradshaw Farms (S511.101), Paul Avery (S512.101), Brett Avery (S5101), Chris & Jan Coll (S58.295), Chris J Coll Surveying Limited (S566.295), Neil Mouat (S535.101),

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai**

the submitters also opposed Rule CE-R4 and the matters raised were considered in relation to the submissions on that rule.

350. Ms Easton did not support a submission point from Westpower (S547.440) that sought to add a matter of discretion: *'the benefits arising from the activity.'* She acknowledged that a similar submission was accepted in relation to the NFL Chapter because the policy framework included specific consideration of positive effects, but she noted this was not present in the coastal environment framework, which was more precautionary. On this basis she did not consider this assessment criteria to be appropriate.
351. Ms Easton supported in part a submission point from Westpower (S547.441) that sought to add a matter of discretion: *'The technical, locational, functional or operational constraints and/or requirements of the activity.'* She supported an additional matter worded *'the functional or operational needs of the activity'*, recognising that the Planning Standards definition for *'Operational need'* included technical and locational requirements.
352. The Director General (S602.159) sought additional matters of discretion: *'adverse effects on amenity'*; *'adverse effects on historic heritage'*; and *'adverse effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems.'* The Director also sought an amendment to clause (i) to refer to *'adverse effects'* rather than *'impacts'* and to consider adverse effects on conservation values. Ms Easton supported this in part and recommended historic heritage be considered as part of matter of discretion (d), which already addressed Poutini Ngāi Tahu values. She did not consider amenity was an issue needing specific consideration as a matter of discretion. She considered ecological functioning and the life supporting capacity of air, water, soil and ecosystems was a very wide matter and was not an appropriate matter of discretion. She supported replacing *'impacts'* with *'adverse effects'*.
353. Ms Easton did not support the submission point from Forest and Bird (S560.303) that sought the rule be combined with CE-R15. She noted CE-R15 only applied to areas identified as High Natural Character and addressed earthworks which were not controlled under CE-R4. She noted that she had not supported earthworks being included in CE-R4.
354. Ms Easton supported in part a submission point from Forest and Bird (S560.0560 and S560.531) that sought an additional matter of discretion: *'effects on natural character, natural landscapes and natural features of the coastal environment'*. She noted that effects on natural character of the coast were already addressed under matter (c), but she supported an additional matter *'effects on natural landscapes and natural features of the coastal environment'*.
355. GDC (S608.661) sought a reference to activity status where the rule was not met. Ms Easton noted that they appeared to have misinterpreted the rule, as there was no escalation status, therefore she did not support his submission.

Hearing and Submitter Evidence/Statements

356. Mr Coates spoke at the hearing regarding amendments to Rule CE-R4, including increasing the maximum building height to 10m and removing the maximum area limit. He provided a description of buildings and structures that would exceed the notified limits. He also provided commentary on political, market and farming style changes that impact farmers, and noted that sometimes changes were required in short timeframes. He queried whether the Council could process all the consent applications that may be required and commented on the cost of obtaining resource consents for new structures.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel

General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

357. Mr Brass, for the Director General, confirmed he was comfortable with the s42A Report recommendations on rule CE-R4.
358. Ms Inta noted that the amendment she and the Buller Conservation Group had requested to CE-R4 were rejected. She sought a direct reference to Rule ECO-R2 be added to the advice notes for CE-R4. She also sought that CE-RXX include an additional matter of discretion, either *'Area and location of any indigenous vegetation clearance and habitats of indigenous fauna'*, as in CE-R12, or *'Adverse effects on biodiversity and conservation values'*, as in CE-R14.
359. Ms Pull, for Poutini Ngāi Tahu, noted the s42a Report recommendations on CE-R3 and highlighted the *'outstanding'* overlays were highly valued partly because of the Poutini Ngāi Tahu associations, as stated in CE-P1. She considered that restricting the ongoing associations and relationships with these areas did not protect these values but rather reduced them by preventing associations that give them value. She considered that enabling Māori activities in the zoning and restricting it under the overlays did not achieve the Treaty Settlement, RMA s6 and s8, the NZCPS or the WCRPS.
360. In evidence provided following the hearing, Ms Pull confirmed that 141.52ha of land within the Māori Purpose Zone and the Coastal Environment was also within the Outstanding Natural Character or Outstanding Coastal Environment Overlay. She noted the land within the outstanding and other overlays was 144.63ha in area. She provided a list of SASM and other areas that this included and confirmed that this was considered during plan development, quoting sections from the Special Zones s32 Report (pg. 52) and of the Coastal Environment s32 Report (pg. 90 and 104). With respect to whether a restriction on Māori Purpose Activities on Māori Purpose Zone land within the outstanding coastal environment needed restrictions, Ms Pull noted that 150ha of land was impacted by this rule. She noted that as all the sites in this area were also SASM, the sites were of high cultural value, which would restrict a high level of modification. She noted she would not expect significant loss of naturalness for the sites containing silent files, nor the ones protected due to high mahinga kai values. She considered this leaves the Arahura River site as the most likely to be enabled by the notified version of the rule, but noted this includes an urupā and ancestors embedded in the landscape. She considered development would therefore be around the marae and likely of low density.
361. Ms Pull acknowledged NZCPS Objective 2 required the natural character of the coastal environment to be preserved, but that it also requires the identification and protection of areas where development would be inappropriate. She considered this meant the Plan could also identify areas where development was appropriate and encourage activities in those areas.
362. In a tabled letter to the Panel⁹⁹ Poutini Ngāi Tahu did not support the s42A Report recommendation to limit Rule CE-R3 to apply only outside the Outstanding Coastal Environment Areas. They considered this did not implement CE-P3, which included all of these areas. The letter also noted that the policy referred to cultural harvest, while the rule provided essentially a new definition. Poutini Ngāi Tahu considered this created confusion as the rule provided for mahinga kai as part of cultural harvest throughout the coastal environment, but was also a Poutini Ngāi Tahu Activity only allowed outside the coastal environment. They noted the requirements in the NZCPS to take into account the principles of Te Tiriti o Waitangi, tangata whenua and kaitiakitanga in relation to the coastal environment. They recommended

⁹⁹ Rachael Pull, 19 September 2024

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

that the Forest and Bird submission on CE-R3 be rejected, and that the rule be applied across the coastal environment consistent with CE-P3.

363. Ms Pull supported the s42A Report recommendations on CE-R13 and the submission point from Poutini Ngāi Tahu requesting archaeological sites be included as a matter of discretion for restricted discretionary activities, including cross-referencing in the Plan.
364. The letter from Transpower confirmed their acceptance of the s42A Report recommendations on its submission on CE-R4.
365. Mr Kennedy, for Westpower, confirmed that he accepted the recommendation on the CE rules as a whole. In relation to CE-R1, he agreed with adding '*regionally significant infrastructure*' to the rule heading, but requested that the proposed advice note be amended to read '*refer to the rules in Earthworks Chapter*'. He considered the recommendations on CE-R4 resulted in a lack of clarity around what Westpower activities were permitted, particularly in terms of the electricity distribution network. He considered this rule had significant potential to impact Westpower's ability to supply renewable energy to the community, given the spatial extent of the coastal environment. Although clause (2)(a) remained unchanged, Mr Kennedy noted that following a matter arising in the Natural Hazards Chapter, it was unclear why network utility operators could undertake hazard mitigation works, given the rule applied outside of outstanding or high natural character areas. Mr Kennedy acknowledged Westpower did not submit on this clause, but noted that the recommended definition for '*Statutory Agency*' would exclude network utility operators.
366. In relation to CE-R14, Mr Kennedy considered that it was unclear whether CE-R14 applied to Energy Activities and Network Utilities given the advice note stated '*In the case of Energy Activities and Network Utilities the relevant Energy, Infrastructure or Transport Rules apply*'. He considered that if recourse was to be had to the Energy, Infrastructure and Transport (EIT) chapters rules, but consent was still required under CE-R14, then the additional matters of discretion sought in the Westpower submission should be included in CE-R14. He noted that matters of discretion in the EIT chapters included consideration of benefits and constraints and requirements. Mr Kennedy noted that the s42A Report Appendix 1 included a matter of discretion '*the functional or operational needs of the activity*' and sought that an additional matter '*the benefits arising from the proposed activity*' was added.
367. Mr Kennedy generally supported the amendments proposed to CE-R14(d), (i) and (k), which Westpower made further submissions on, and noted clause (i) included '*conservation values*', which Westpower opposed because of the undefined nature of the term. He requested the term was deleted.
368. Ms Hunter, for Bathurst, advised of the withdrawal their submission point on Rule CE-R4.

Reporting Officer's Reply Evidence

369. In response to Westpower's alternative wording for the activity status where compliance was not achieved regarding earthworks for CE-R1, Ms Easton stated that she considered Westpower's alternative wording was clearer than that of the s42A Report and recommended the advice note be amended as follows:

2. Where earthworks are proposed as part of maintenance and repair, refer to the Rules in the Earthworks Chapter.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

370. The Panel queried the implications of the recommended changes to Rule CE-R3 and the location of Māori Purpose Zone land covered by Outstanding Natural Character areas that would be affected by the recommended change. Ms Easton considered the major change would exclude outstanding areas from the permitted activity rule. She noted that in the notified plan there were no ONFL within the coastal environment over Māori Purpose Zone areas. She noted that, as is discussed in the Natural Landscape and Features Right of Reply, she did not recommend any expansion of this overlay over private land due to scope and natural justice issues.
371. Ms Easton provided a map identifying the areas of outstanding natural character over Māori Purpose Zone land, noting these were:
- Bruce Bay – Māori Purpose Zone on the foreshore of the southern end of Bruce Bay.
 - Makaawhio River Mouth – part of an area of Māori Purpose Zone around the river mouth.
372. Ms Easton noted the Bruce Bay land was a historic urupā at Mahitahi. She considered any impacts on this area would be minimal as it had no legal or physical access other than by boat and was entirely bush covered. She considered this site was very unlikely to be developed other than for seasonal camping/nohoanga.
373. Ms Easton noted the other location was the mouth of the Makaawhio River, which was a much larger area and a former large settlement, on a property where Ngāti Māhaki have development aspirations and active development planning underway. Although this area was subject to the Coastal Hazard Alert overlay, she noted removing the permitted activity status for Māori Purpose Activities from this site would restrict the ability of Ngāti Māhaki to exercise tino rangatiratanga over the site.
374. Ms Easton noted that Ms Gilbert’s revised mapping of the ONC areas would mean additional outstanding natural character areas were located within part of the Hunts Beach/Manakiaua Māori Purpose Zone, but she considered there was no scope to include that change.
375. The Panel asked Ms Easton to address the inconsistency between CE-P3 and CE-R2, with regard to outstanding areas and Poutini Ngāi Tahu values. We also asked her to consider whether the term ‘*ancillary buildings*’ in the title of CE - R3 was more appropriate than ‘*associated buildings*’. Ms Easton responded that she had considered the evidence of Poutini Ngāi Tahu, the information discussed above, and how she had addressed the matter at policy level. She noted that NZCPS policy 6(d) stated:
- (d) recognise tangata whenua needs for papakāinga, marae and associated developments and make appropriate provision for them;*
376. In light of this, and the clear intention of TTPP to provide for tino rangatiratanga, Ms Easton confirmed she no longer supported the addition of the standard that Rule CE-R3 not apply to outstanding areas. She supported the use of ‘*ancillary buildings*’ because this was a defined term and removed uncertainty from the Plan. Her updated recommendations for this rule were for it to be retained as notified, with the addition of ‘*ancillary buildings*’.
377. The Panel requested that Ms Easton consider whether CE-R4 could provide an allowance for larger farm buildings compared to residential units. In response to Mr Coates and the assessments of Mr Stephen Brown, she considered some allowance could be made for larger farm buildings. She noted that residential dwellings had significant associated infrastructure

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

that adds to visual effects, including lighting, driveways, carparking areas, gardens and amenity plantings, and fences, while farm buildings were generally contained to the building and a yard area. She also considered farm buildings were generally less complex structures that did not draw the eye in the same way as a complex residential dwelling.

378. Ms Easton noted that it had been fragmentation of areas with residential dwellings that had resulted in landscape areas on the hills behind Greymouth and part of the hills behind Barrytown being downgraded from outstanding. She considered the colour, size and shape of the dwellings to be a significant contributor to these. In addition, she noted that dwellings were often located to maximise views and frequently protruded above ridgelines, resulting in greater visual effects. By comparison, she considered farm buildings with simple forms were a common part of the coastal landscape and were less visually dominating. She also considered that farms were generally much larger sized properties than rural residential or lifestyle properties, so the density of farm buildings was lower than residential development.
379. In light of the above, Ms Easton considered differentiation between the two types of buildings was appropriate. She noted that the General Rural Zone allowed for 10m high buildings and there were existing buildings of this size within the coastal environment. She considered that Mr Coates had provided useful examples at the hearing as to the types of requirements for farming buildings that created a need for a taller building, such as fertilizer silos. Ms Easton noted that the General Rural Zone allowed for buildings with very large footprints and considered some restriction on size was still necessary in the coastal environment to reduce the loss of natural character and landscape values. She reviewed how this matter was dealt with in other Plans, but found that they did not differentiate between residential and non-residential buildings; and that the notified height and floor area allowed in the TTPP was more permissive than that of other district plans.
380. The Panel requested that Ms Easton clarify requirements for structures in CE-R4 and advise whether amendments would make these clearer. Ms Easton noted that the standards in CE-R4 applied to new buildings only, not extensions. She recommended adding an advice note as follows:

2. For the avoidance of doubt, within the General Rural, Rural Lifestyle, Settlement and Open Space and Recreation Zones, outside of scheduled areas, this rule regulates new buildings only, not structures, or any additions to existing buildings.

381. In response to a Panel query as to whether there was potential to remove duplication in relation to landscape matters, Ms Easton considered Rule CE-R14 matters of discretion (f) and (j) could be rationalised as follows:

landscape and visual effects including design and location of any buildings, structures or earthworks

382. In response to a Panel request to respond to Westpower's evidence in relation to 'conservation values' as a matter of discretion under CE-R14, Ms Easton agreed that this was not needed as it was covered by other matters of discretion.

Hearing Panel's Evaluation

Rule CE – R1

383. The Panel accepts Ms Easton's reasoning and recommended amendments to Rule CE-R1, as shown in Appendix 1 of the Right of Reply. However, we recommend adding 'activities' to the

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

heading given the definition for *‘Renewable Electricity Generation Activities’* in the Plan. We also recommend amendments to correct the structure of the rule to include the last two sentences as Advice Notes (4) and (5), which was confirmed by Ms Easton in the hearing in response to a question from the Panel. We also consider that it is appropriate for the rule to cover *‘minor upgrade’* utilising the definition recommended in the Natural Features and Landscapes Recommendation Report.

Rule CE – R2

384. The Panel accepts Ms Easton’s reasoning and recommendation to retain Rule CE-R2, as shown in Appendix 1 of the s42A Report.

Rule CE – R3

385. The Panel accepts Ms Easton’s reasoning and recommended amendments to Rule CE-R3, as shown in Appendix 1 of the Right of Reply. We note the use of *‘ancillary’* instead of *‘associated’*, as requested by Poutini Ngāi Tahu, was accepted by Ms Pull. We are satisfied that recommended amendments respond to Forest and Bird’s submission point and the further submission from Poutini Ngāi Tahu. We recommend use of the term *‘cultural materials’* in relation to cultural harvest, as discussed in recommendations contained in the SASM Chapter Recommendation Report, and we recommend that *‘Poutini Ngāi Activities’* and *‘Māori Purpose Activities’* are able to occur throughout the coastal environment rather than being limited, for the reasons identified by Ms Pull and Ms Easton.

Rule CE – R4

386. The Panel accepts Ms Easton’s reasoning and recommended amendments to Rule CE-R4, as shown in Appendix 1 of the Right of Reply. We consider the amendments to clause (1) are consistent with our recommendation on CE-P2. We agree with Ms Easton that the height limits and gross floor areas are appropriate for a permitted activity given the direction of the NZCPS and the WCRPS. We consider buildings outside these limits should be assessed through a resource consent process to ensure consistency with the CE objectives and policies.

387. The Panel is satisfied Ms Easton has undertaken a s32AA evaluation of introducing the 25-metre setback from mean high water springs (the coastal marine area) in her s42A Report (section 16). We accept her conclusion that the setback will be efficient and effective in achieving the purpose of the Act and to give effect the NZCPS and WCRPS.

388. The Panel notes Ms Easton’s further information in response to the statement of Mr Coates. We note Nikau Deer Farms Ltd did not submit on Rule CE – R4 and there is no scope within submissions to make this change. However, we remain unconvinced this is appropriate given the rule is quite permissive in the context of the coastal environment and national direction.

389. The Panel recommends amending clause (2)(iv)(l) to replace *‘formed legal road’* with *‘legal road reserve’*.

390. Finally, the Panel agree with the Director General that the permitted status for natural hazard mitigation structures in subclause (c) should be deleted as we have recommended such structures should be restricted discretionary activities within the Natural Hazards recommendation. We are of a view that a permitted status for natural hazard mitigation structures would in conflict with the WCRPS which requires amongst other things such works to assess the potential effects on the environment, the costs and benefits to the community and effectiveness of the works or activities and the practicality of alternative means. We

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

cannot see how this can be achieved through a permitted activity status. Further, we consider a permitted status would likely be at odds with Policy 27 of the NZCPS which requires “*where hard protection structures are considered to be necessary, ensure that the form and location of any structures are designed to minimise adverse effects on the coastal environment*”. Again, we cannot see how this can be met for certain through a permitted activity status.

Rule CE – R13

391. The Panel accepts Ms Easton’s reasoning and recommended amendments to Rule CE-R13, as shown in Appendix 1 of the s42A Report. However, we recommend a minor consequential amendment for consistency with our recommendation in the ECO Chapter Recommendation Report, to replace ‘*protected*’ with ‘*at risk*’ to reflect the recommended definition for ‘*Threatened and At Risk*’. We consider this provides clarity and links to the appropriate reference document. We consider ‘*Threatened and At Risk*’ rather than ‘*Threatened and At Risk (declining)*’ is appropriate given the NZCPS must prevail over the NPSIB in the coastal environment.

Rule CE – R14

392. The Panel accepts Ms Easton’s reasoning and recommended amendments to Rule CE-R14, as shown in Appendix 1 of the Right of Reply, subject to the recommended amendments discussed below.

393. The Panel consider that, rather than amending clause (f), we recommend amending (l) as a consequential amendment Plan-wide change to replace ‘*Landscape measures*’ with ‘*Measures to mitigate landscape effects*’. We consider there is no scope to amend clause (f) to add visual effects based on submissions. We also recommend replacing ‘*Impacts*’ with ‘*Effects*’ in clause (i) rather than ‘*Adverse effects*’ for consistency, and to enable consideration of positive effects.

394. The Panel has carefully considered the recommended addition of a new clause relating to functional need or operational need, as requested by Westpower, and accept this is appropriate given the rule applies *outside* outstanding and high natural character areas.

395. The Panel accepts the Director General’s submission point to include matters of discretion (c) and (d) from CE-R12 as matters (j) and (k). We agree with Mr Brass that this is appropriate to enable potential adverse effects to be addressed and for consistency with matters of discretion in other restricted discretionary activity rules.

New Rule

396. The Panel accepts Ms Easton’s reasoning and recommended amendments to add a new discretionary Rule CE-RXX, as shown in Appendix 1 of the Right of Reply. We agree that it is appropriate to manage the effects of afforestation in areas outside identified areas of outstanding and high coastal natural character. However, we recommend adding ‘*objectives and policies*’ in Advice Note (1). We also recommend that the rule only apply to ‘*plantation forestry*’ rather than ‘*commercial forestry*’ because the NES-CF definition of ‘*commercial forestry*’ includes exotic continuous-cover forestry, which is expected to be in place for a minimum of 50 years and may be on a permanent basis. Afforestation of this nature is not considered by the Panel to be consistent with maintaining natural character within the coastal environment. In contrast, ‘*plantation forestry*’ is expected to be harvested and so is not likely to be a permanent alteration of the coastal environment.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

397. The Panel is satisfied Ms Easton has undertaken a s32AA evaluation of introducing a new rule in her s42A Report (section 16). We accept her conclusion that the new rule will be efficient and effective in achieving the purpose of the Act and to give effect the NZCPS and WCRPS.

Hearing Panel's Recommendation

398. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend changes to the **Coastal Environment Rules** as follows:

CE - R1 Maintenance and repair and minor upgrade¹⁰⁰ of lawfully established structures, network utilities, renewable electricity generation activities,¹⁰¹ regionally significant infrastructure,¹⁰² fence lines and tracks within the Coastal Environment

Activity Status Permitted

Where:

1. When the maintenance and repair **or minor upgrade**¹⁰³ is within an area of High Coastal Natural Character or the Outstanding Coastal Environment:
 - a. The activity is limited to what is necessary to maintain the existing structure **or undertake the minor upgrade**,¹⁰⁴ within the footprint or modified ground compromised by the existing structure; and
 - b. The activity does not involve the installation of any new structures.

Activity status where compliance not achieved: N/A¹⁰⁵

Advice Notes:

1. Any indigenous vegetation clearance associated with maintenance and repair is subject to the provisions in the Ecosystems and Indigenous Biodiversity Chapter.
2. Works shall not undermine or have an adverse effect on any hazard mitigation/protection measure that exists within the coastal environment.
3. Where activities occur within Scheduled areas included within other Overlay Chapter Areas, then the relevant Overlay Chapter Rules also apply.
4. Refer to relevant rules for the High Coastal Natural Character Area and Outstanding Coastal Environment.
5. **Where earthworks are proposed as part of maintenance and repair, refer to the rules in the Earthworks Chapter.**¹⁰⁶

CE - R2 Conservation Activities within the Coastal Environment

Activity Status Permitted

Advice Note:

¹⁰⁰ Westpower Limited S547.429

¹⁰¹ RMA Schedule 1, clause 16(2)

¹⁰² KiwiRail Holdings Limited S442.077, Westpower Limited S547.429

¹⁰³ Westpower Limited S547.429

¹⁰⁴ Westpower Limited S547.429

¹⁰⁵ Grey District Council S608.654

¹⁰⁶ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.536

1. Any indigenous vegetation clearance associated with conservation activities is subject to the provisions in the Ecosystems and Indigenous Biodiversity Chapter.
2. Works shall not undermine or have an adverse effect on any hazard mitigation/protection measure that exists within the coastal environment.
3. Where activities occur within Scheduled areas included within other Overlay Chapter Areas, then the relevant Overlay Chapter Rules also apply.

Activity status where compliance not achieved: N/A

CE - R3 Māori Purpose Activities and Ancillary¹⁰⁷ Buildings in the Coastal Environment

Activity Status Permitted

Where:

1. ~~These are~~ **This is cultural harvest of cultural materials; or**
2. **These are:**
 - a. ~~Poutini Ngāi Tahu activities, including cultural harvest of vegetation, mahinga kai, collection of Pounamu, Aotea stone or rock; or~~¹⁰⁸
 - b. Māori Purpose Activities undertaken within the Māori Purpose Zone undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan that includes an assessment of, and mitigation of, impacts on the coastal environment values, including, where relevant, natural character, natural landscape and natural features.

Advice Notes:

1. Any indigenous vegetation clearance associated with Poutini Ngāi Tahu or Māori Purpose Activities is subject to the provisions in the Ecosystems and Indigenous Biodiversity Chapter.
2. Works shall not undermine or have an adverse effect on any hazard mitigation/protection measure that exists within the coastal environment.
3. Where activities occur within Scheduled areas included within other Overlay Chapter Areas, then the relevant Overlay Chapter Rules also apply.

Activity status where compliance not achieved: Restricted Discretionary

CE - R4 Buildings and Structures in the Coastal Environment

Activity Status Permitted

Where:

1. These are not located within:
 - a. ~~An~~ **The Outstanding Coastal Environment area; or** ~~Natural Landscape identified in Schedule Five;~~
 - b. ~~An Outstanding Natural Feature identified in Schedule Six;~~
 - c. ~~b~~ **An area of High Coastal Natural Character identified in Schedule Seven; and subject to Rule CE-R5;**
 - d. ~~An area of Outstanding Coastal Natural Character identified in Schedule Eight; and~~¹⁰⁹
2. These **are:**

¹⁰⁷ Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.205

¹⁰⁸ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0576, Te Rūnanga o Ngāi Tau, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio FS41.081

¹⁰⁹ Director General of Conservation S602.150

- a. **Buildings and structures that c**omply with the rules for buildings and structures within the relevant zone, except that within the GRUZ - General Rural Zone, RLZ - Rural Lifestyle and SETZ - Settlement Zone **OSZ - Open Space Zone and the NOSZ – Natural Open Space Zone:**¹¹⁰
- i. Maximum height is 7m for new buildings;
 - ii. No height limits apply where this is replacement of a lawfully established building with another building of the same height, in the same location; and
 - iii. The gross ground floor area is:
 - I. A maximum of 200m² per building for new buildings;
 - II. No maximum area where this is the replacement of a lawfully established building with another building of the same ground floor area, in the same location; ~~or~~ **and**
 - iv. **New buildings are set back 25m from Mean High Water Springs**¹¹¹ **except where these are:**
 - I. **New network utility buildings, where these are located within a legal road reserve; or**
 - II. **Parks facilities or parks furniture within any OSRZ - Open Space and Recreation Zone; or**¹¹²
- b. ~~Are Energy Activities or Network Utilities, including ancillary earthworks, subject to provisions~~ **that are permitted activities**¹¹³ in the Energy, Infrastructure and Transport Chapters of the Plan; or
- c. ~~Are natural hazard mitigation structures constructed by a Statutory Agency or their authorised contractor.~~¹¹⁴

Advice Notes:

1. Refer to the Natural Hazards, Sites and Areas of Significance to Māori, Historic Heritage, Natural Character and Margins of Waterbodies Overlay Chapters and zone chapters for other rules in relation to buildings and structures in these areas.¹¹⁵

2. For the avoidance of doubt, within the General Rural, Rural Lifestyle, Settlement and Open Space and Recreation Zones, outside of scheduled areas, this rule regulates new buildings only, not structures, or any additions to existing buildings.¹¹⁶

Activity status where compliance not achieved:

Outside of the scheduled overlay chapter areas and the **RURZ** Rural Zones **and NOSZ – Natural Open Space Zone,**¹¹⁷ the relevant zone rules apply.

In the case of Energy Activities and Network Utilities the relevant Energy, Infrastructure or Transport Rules apply.

Otherwise Restricted Discretionary

Restricted Discretionary Activities

¹¹⁰ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0578

¹¹¹ Director General of Conservation S602.150

¹¹² Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0578

¹¹³ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0578

¹¹⁴ Director General of Conservation S602.150

¹¹⁵ Director General of Conservation S602.150

¹¹⁶ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0578

¹¹⁷ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0578

CE - R13 Māori Purpose Activities and Buildings in the Coastal Environment not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Effects on habitats of any threatened or ~~protected~~ **at risk**¹¹⁸ flora or fauna species;
- b. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;
- c. Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;
- d. Effects on the intrinsic values of ecosystems;
- e. Effects on recreational values of public land;
- f. Effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three;
- g. Landscape and visual effects;
- h. Effects on natural character and natural features;
- i. Location, dimensions and appearance of any structure; ~~and~~
- j. Effects on public access to the coast; **and**
- k. **Effects on any archaeological sites.**¹¹⁹

Activity status where compliance not achieved: N/A

CE - R14 Buildings and Structures not meeting Rule CE - R4 outside of the Outstanding Coastal Environment Area¹²⁰ and High Coastal Natural Character Overlay ~~identified in Schedule Seven~~¹²¹

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Any requirements for landscape evaluation;
- b. The extent to which the site is visible from a road or public place;
- c. The effects on the natural character of the coast;
- d. The effects on Poutini Ngāi Tahu values; **any archaeological sites,**¹²² **historic heritage**¹²³ or **on** any Site and Areas of Significance to Māori identified in Schedule Three;
- e. The effects on potential or current public access to the coast;
- f. Design and location of any buildings, structures or earthworks;
- g. Volume and area of earthworks;
- h. Area and location of any vegetation clearance;

¹¹⁸ Consequential amendment from ECO Chapter Recommendation Report, Director General of Conservation S602.078

¹¹⁹ Te Rūnanga o Ngāi Tahu, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.207

¹²⁰ RMA First Schedule, Clause 16

¹²¹ Buller District Council S583.287

¹²² Te Rūnanga o Ngāi Tahu, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.207

¹²³ Director General of Conservation S602.159

- i. ~~Impacts~~ Effects on biodiversity values; and
- j. Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;¹²⁴
- k. Effects on the intrinsic values of ecosystems;¹²⁵
- l. Measures to mitigate ~~landscape measures~~ effects;¹²⁶
- m. The effects on natural landscapes and natural features in the coastal environment; and¹²⁷
- n. The functional or operational needs of the activity.¹²⁸

Activity status where compliance not achieved: N/A

CE - RXX Afforestation with Plantation Forestry in the Coastal Environment outside of High and Outstanding Coastal Natural Character Areas where this requires the clearance of indigenous vegetation beyond the Permitted Activity Standards in Rule ECO – R2

Activity Status: Restricted Discretionary

Discretion is restricted to:

- a. Any requirements for landscape evaluation;
- b. The extent to which the site is visible from a road or public place;
- c. The effects on the natural character of the coast;
- d. The effects on Poutini Ngāi Tahu values, any archaeological sites, historic heritage or on any Site and Areas of Significance to Māori identified in Schedule Three;
- e. The effects on potential or current public access to the coast;
- f. Area and location of any indigenous vegetation clearance; and
- g. The effects on natural landscapes and natural features of the coastal environment.

Advice Notes:

- 1. When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes objectives and policies will be required.**
- 2. This rule also applies to commercial forestry activities where this provision is more stringent than the NES - CF.**

Activity status where compliance not achieved: N/A¹²⁹

¹²⁴ Director General of Conservation S602.159

¹²⁵ Director General of Conservation S602.159

¹²⁶ Consequential amendment from Natural Features and Landscape Chapter Recommendation Report, Manawa Energy Limited S438.100

¹²⁷ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0650

¹²⁸ Westpower Limited S547.441

¹²⁹ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.309 and S560.308

3.6. Permitted activities in the High Natural Character Overlay

Submissions and Further Submissions

399. Seven submission points and two further submissions received on the permitted activity **rules as a whole** were summarised in a Table on page 105 of the s42A Report. All submission points sought amendments. The two further submissions supported one amendment.
400. Twenty-nine submission points and two further submissions received on **Rule CE-R5** and were summarised in a Table on pages 105-108 of the s42A Report. Two submission points were in support and the remainder sought amendments. The two further submissions opposed two amendments.
401. Nineteen submission points and four further submissions were received on **Rule CE-R6** and were summarised in a Table on pages 108-110 of the s42A Report. One submission point was in support and the remainder sought amendments. Three further submissions opposed some amendments and one supported one amendment.
402. Twenty-two submission points and one further submission were received on **Rule CE-R7** and were summarised in a Table on pages 110-112 of the s42A Report. Five submission points were in support and the remainder sought amendments. The further submissions opposed one amendment.

Section 42A Report

Rules as a whole

403. Teresa Wyndham-Smith (S312.011) sought an additional rule to restrict development of tourist infrastructure within the Hartmount Place/Te Miko/Ross subdivision area, such as widening the road or sealing the surface to accommodate tourist traffic. Ms Easton supported this submission point in part, although she considered this submission should have been addressed under the Settlement Zone Chapter hearing. She noted that the operative Buller District Plan did not control vegetation clearance within the roading corridor. She highlighted the notified TTPP was more restrictive, with a limit of 500m² of clearance over any three year period as a permitted activity, which would apply to any road widening undertaken by a network utility operator. She noted there was no permitted activity for vegetation clearance for development of private infrastructure and considered this provided a better degree of protection and addressed some of the submitter's concerns. Ms Easton did not recommend any amendments to the Plan in relation to this submission point.
404. Six submitters¹³⁰ sought that the rules be amended to be more enabling of development. Ms Easton did not support these submissions, considering that restrictions on development were required by the WCRPS in order to avoid adverse effects on HCNC areas. She noted that the submitters had not provided any reasons for these requests, or any information on how the rules should be amended, or how this could be undertaken within the direction provided by the NZCPS and WCRPS.

Rule CE-R5

¹³⁰ John Brazil (S360.039), William McLaughlin (S567.356), Steve Croasdale (S516.076), Chris & Jan Coll (S58.292), Chris J Coll Surveying Limited (S566.292), Laura Coll McLaughlin (S574.292)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

405. Ms Easton acknowledged the submission from Te Mana Ora (S190.483) in support of the rule.
406. Westpower (S547.431 and S547.432) sought to include minor upgrading of energy activities and amend standard (1) to refer to energy activities and critical infrastructure. Ms Easton did not support these submissions because she considered the rule already provided for minor upgrade for network utilities (which included electricity operation and distribution) and renewable electricity generation activities. She was unclear what additional activities, that were not included within the definitions of *'network utilities'* and *'renewable electricity generation activities'*, Westpower sought to include. She noted that the WCRPS direction in relation to the coastal environment focused on supporting and enabling the National Grid and renewable electricity generation activities, rather than regionally significant infrastructure. She was unconvinced that the higher order document direction applied more widely in this circumstance.
407. Buller Conservation Group (S552.132) and Frida Inta (S553.132) sought to reduce the height limit from 7m. Ms Easton did not support this submission point and noted that a 7m height limit was a standard height applied across the more sensitive areas of the coastal environment. She noted that it provided for a single level dwelling, recognising steep topography of many parts of the coastal environment.
408. Forest and Bird (S560.294) sought to delete the rule and combine it with other rules to separate maintenance and repair from other activities. Ms Easton did not support this submission, noting the approach was to have rules focussed on location, making the Plan easier for users to navigate.
409. Ms Easton did not support submission points from Forest and Bird¹³¹ seeking amendments including:
- (a) Deleting *'operation'* from standard (1) in relation to network utilities and renewable electricity generation.
 - (b) Limiting minor upgrades to the National Grid only and grouping these with maintenance and repair.
 - (c) Including upgrade for network utilities and renewable electricity generation activities within rules for new structure (CE-R8).
410. Ms Easton noted that the WCRPS directs that significant adverse effects on HNC areas must be avoided, which differed from the direction on outstanding natural character areas.
411. Forest and Bird (S560.0583) considered clause (3) *'Within the Māori Purpose Zone, these are Māori Purpose Activities'* duplicated CE-R3 and sought that the built form standards in clause (4) also apply to clause (3). Ms Easton noted that there were two main areas of Māori Purpose Zone within the HCNC overlay, one at Bruce Bay/Mahitahi and one at Arahura. However, she noted the mapping review had recommended amending the Arahura HCNC so that it no longer applied to the Arahura Māori Purpose Zone. She noted this would result in Bruce Bay being the only MPZ land within which the rule would apply; and clarified this area was a wetland subject to the Coastal Alert Hazard Overlay, which placed significant restrictions on development. Ms Easton considered any further restrictions through CE-R5 was unnecessary as significant development was unlikely to occur in this area.

¹³¹ S560.0579, S560.0580, S560.0581

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

412. Ms Easton supported a submission point from Forest and Bird (S560.0582) that sought the rule be clarified so it was clear that clause (4) did not apply to the Natural Open Space Zone.
413. Ms Easton supported in part a submission point from the Director General (602.151) that sought a 30m coastal setback apply to new buildings and structures and that they were not located within any other overlay area. She supported a 25m setback from the coast for new buildings, consistent with her recommendation on CE-R4. She noted that, in practice, this would mainly apply to non-residential buildings, as in almost all instances, these areas were subject to the Coastal Hazard Alert or Severe Overlay, where residential building was very restricted. She also supported amendments to the advice note consistent with CE-R4. She did not support the proposed amendment that these buildings were not located in any other overlay area. She considered that the other District-wide overlay provisions appropriately managed the effects of buildings in these overlay areas and duplication or increased restriction was unnecessary.
414. Twelve submissions¹³² sought the rule be amended to be more enabling of development. Lynne Lever & Greg Tinney (S320.005) and Hapuka Landing Limited (S514.003) sought an increased floor area and building footprint to allow for appropriate residential use. BDC (S538.292) sought that the maximum ground floor area be increased from 100m² to 150m².
415. Ms Easton noted that the proposed rule allowed 100m² GFA for new buildings and 50m² additions to existing buildings. She noted that the HCNC areas were largely vegetated, but included locations where there was predominantly residential development and areas where there were farm buildings, network utility infrastructure, and natural hazard protection structures, as well as areas where subdivision had been approved but no development had yet occurred.
416. Ms Easton noted that Rule ECO-R2 provided for 500m² of indigenous vegetation clearance within the coastal environment as a permitted activity, provided these areas were not identified as an SNA, and it was for a range of specific and limited purposes, including creating access to building sites and clearance for the site development. Ms Easton considered that larger building footprints would drive clearance towards the upper end of the permitted standard, but that a 150m² building could be accommodated within the permitted clearance. Ms Easton also noted that CE-R5 included a maximum building height of 7m, which she considers did not allow for a two-storey building. Ms Easton supported an increase in building footprint to 150m² as proposed by BDC, where this was for the establishment of a new residential dwelling on a site where no other dwelling was located.

Rule CE-R6

417. Ms Easton acknowledged the submission from Te Mana Ora (S190.484) in support of the rule.
418. Ms Easton did not support submissions¹³³ that sought to amend the rule to be more enabling of development. She noted that the WCRPS Policy 1c and NZCPS Policy 13 direct that significant adverse effects on HCNC areas are to be avoided. No reasons are provided for these submissions, other than that they are considered too restrictive, and no information is

¹³² Peter Langford (S615.095), Karamea Lime Company (S614.095), Catherine Smart-Simpson (S564.073), Geoff Volckman (S563.067), Leonie Avery (S07.093), Jared Avery (S508.093), Kyle Avery (S509.093), Avery Bros (S510.093), Bradshaw Farms (S511.093), Paul Avery (S512.093), Brett Avery (S513.093), Neil Mouat (S535.043)

¹³³ Peter Langford (S615.096), Karamea Lime Company (S614.096), Catherine Smart-Simpson (S564.074), Geoff Volckman (S563.068), Leonie Avery (S07.094), Jared Avery (S508.094), Kyle Avery (S509.094), Avery Bros (S510.094), Bradshaw Farms (S511.094), Paul Avery (S512.094), Brett Avery (S513.094), Neil Mouat (S535.044)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

provided about how the rule should be amended, or how this could be achieved within the direction of the WCRPS and NZCPS.

419. Six other submissions sought specific amendments as follows:

- (a) WDC (S181.026) sought to replace “*there is no reduction in public access*” with “*practical public access is provided for*” in clause (3).
- (b) Waka Kotahi NZTA (S450.138) sought to replace “*minimum*” with a set figure for earthworks volume/area within the rule, define “*statutory agency*” and clarify the intent of clause (4).
- (c) BDC (S538.293) sought to delete the requirement that the work be undertaken by a Statutory Agency.
- (d) Forest and Bird (S560.295) sought to combine CE – R9 with CE – R6 and as a consequence delete CE – R9. They also sought to delete “*reconstruction*” and include requirement that earthworks and land disturbance be located within 2m of the structure and involve no more than 100m³ of material excavated, deposited or removed.
- (e) Director General (S602.152) sought to delete “*reconstruction*”; earthworks be contained wholly within the footprint of the mitigation structure; and where compliance was not achieved, then the activity be restricted discretionary.
- (f) GDC (S608.656) sought amendments to clarify the definition of statutory agency and ensure that protection of the roading network was provided for.

420. Ms Easton noted that in considering these submissions, she had taken into account her recommendations on the rules for natural hazard mitigation structures in the s42A Reports for the NC Chapter and NFL Chapter because she considered a consistent approach would avoid confusion and make Plan administration easier. She recommended the following amendments:

- (a) Permitted activity status for maintenance and repair of all lawfully established natural hazard mitigation structures, regardless of ownership.
- (b) Provide for upgrades where these are undertaken by a Statutory Agency (as defined from recommendations in previous s42A Reports). “*Upgrade*” should replace the terms “*additions*” and “*reconstruction*”.
- (c) Delete the reference to “*materials*” in clause (4).
- (d) Provide for a maximum volume of earthworks, which she recommended 25m³/200m of coastline in order to be consistent with the riparian margin provisions.
- (e) Harmonise the wording between the Natural Hazards Chapter and CE Chapters within clauses (5) and (6), including replacing: “*designated*” contractors with “*nominated*” contractors; “*consented*” with “*lawfully established*”; and “*outline*” with “*height or length*”. Ms Easton considered these would be consequential amendments from recommendations to changes to Rule NH – R2 and would also meet the RMA, Schedule 1, clause 16 minor amendment test.

421. Ms Easton confirmed that she supported the submission point from Waka Kotahi NZTA in full; and the submission point of BDC in part, in relation to repair and maintenance activities. She supported the submission point from Forest and Bird in part, in that she supported a restriction on earthworks volumes. She supported the Director General’s submission point in part, in that she supported restrictions on earthworks, and a restricted discretionary status for activities that did not meet the permitted standards. She also supported in part the

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

submission point from GDC, in that she had recommended a definition for ‘Statutory Agency’ in other s42a Reports and considered this allowed for the protection of the road network. She noted that significant upgrades or new structures would require resource consent.

422. Ms Easton did not support the submission point from WDC. She considered that as public access was a matter of national importance it was not appropriate that it could be restricted as a permitted activity. She considered this should require assessment through the resource consent process and against Policy CE-P7.
423. Ms Easton did not support the submission point from Forest and Bird that sought to combine this rule with CE-R9. She considered that upgrades of natural hazard mitigation structures should not be included within the permitted activity for Outstanding Coastal Environment Areas. However, she supported upgrades undertaken by a statutory agency being provided for as part of the permitted activity in the HCNC areas and discussed this further in relation to Rule CE-R9.

Rule CE-R7

424. Ms Easton acknowledged submissions¹³⁴ in support of the rule.
425. Twelve submitters¹³⁵ sought for the rule to be more enabling of development as they considered it is too restrictive. Lynne Lever & Greg Tinney (S320.006) sought the rule be amended to increase the list of permitted earthwork activities to provide for basic West Coast landowner needs. They were concerned that a woodshed, garage or ancillary building would not be permitted, despite CE-R5 allowing for these, as earthworks were required. Ms Easton supported these submissions in part and recommended an additional standard ‘*these are for the establishment of buildings Permitted by Rule CE – R5*’ be added.
426. Ms Easton did not support a submission point from Greg Maitland (S571.009) that sought for the permitted earthworks to be based on a percentage of the total land area. She considered this was not effects-based and would enable significant adverse effects to occur on large sites.
427. Westpower (S547.433) sought to amend clause (b) to refer to existing network utility infrastructure; and that the clause also referred to energy activities and critical infrastructure. Ms Easton supported this submission point in part. She noted that the rule was intended to apply to existing network utility infrastructure, and she supported clarification, and considered it should also apply to renewable electricity generation activities. She considered energy activities did not need to be specifically referenced as they were included in network utility infrastructure and renewable electricity generation activities. Ms Easton was reluctant to extend the provisions to a wider range of critical/regionally significant infrastructure as she did not consider it consistent with the direction in the WCRPS, which was very focussed on electricity generation and transmission.
428. The Director General (S602.153) sought amendments to the rule that were supported in part by Ms Easton, including:

¹³⁴ Te Mana Ora (S190.485), Buller District Council (S538.294), Federated Farmers of New Zealand (S524.091), KiwiRail Holding Limited (S442.079), NZTA Waka Kotahi (S450.139)

¹³⁵ Peter Langford (S615.097), Karamea Lime Company (S614.097), Catherine Smart-Simpson (S564.075), Geoff Volckman (S563.0173), Leonie Avery (S07.095), Jared Avery (S508.095), Kyle Avery (S509.095), Avery Bros (S510.095), Bradshaw Farms (S511.095), Paul Avery (S512.095), Brett Avery (S513.095), Neil Mouat (S535.045)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

- (a) Restricting clauses (a) and (b) to operation, maintenance, repair or upgrade of existing facilities;
 - (b) Adding a new limit for cut height or fill depth to a maximum vertical height of one metre;
 - (c) Additional requirements placed on earthworks within 30m of the coastal marine area.
429. Ms Easton agreed the rule should only apply to operation, maintenance, repair and upgrade of existing facilities. Rather than deleting the provisions for earthworks for new network utilities, she recommended that these continue to be provided for within existing formed legal roads. She agreed new renewable electricity generation activities should be provided for within existing formed roads. She noted that the rule provisions of a maximum 250m²/ha and 250m³/ha for earthworks was already more restrictive than her recommendations in the Natural Features and Landscape Chapter and on that basis did not recommend further restrictions on earthworks. She noted that the advice note regarding earthworks did not point the Plan user to the Earthworks Chapter rules, which would also apply, and recommended this cross-reference was added to the advice note.

Hearing and Submitter Evidence/Statements

430. Mr Brass, for the Director General, confirmed that the s42A Report recommendations were generally consistent with the intent of the Director General’s submission. He was comfortable that the amendments to CE-R5-R7 were consistent with the recommended changes to CE-R4.
431. Ms Inta noted that there was no discussion in the s42A Report to explain why Rule CE-R6(4) was deleted; and that this and an amendment to CE-R5 were both numbered ‘49.’
432. Mr Kennedy, for Westpower, considered that the electricity network and activities were not adequately recognised and provided for in the assessments used to define landscape values. He considered the RPS sought to enable regionally significant infrastructure (WCRPS Chapter 6 Objective 1) and required the Plan to have particular regard to constraints on the requirements of regionally significant electricity infrastructure, including within outstanding areas and SNA (RPS Chapter 9 Policy 3).
433. Mr Kennedy questioned why there was no definition of ‘*minor upgrading*’ to differentiate it from ‘*upgrading*’ and considered that the potential impact of the rules on renewable electricity supply could not be fully understood without clarity on what minor upgrading included and who would decide this in each case. Mr Kennedy supported the use of ‘*regionally significant infrastructure*’ in place of the term ‘*critical infrastructure*’.
434. In relation to CE-R6, Mr Kennedy sought amendments to specify that the maximum volume applied to *new* earthworks or to reinstate the previous wording. He considered the recommended wording of the standard could be applied to earthworks to reinstate mitigation structures following hazard events. He also considered the restricted discretionary activity status would result in increased uncertainty for Westpower as they were not provided for as a ‘*statutory agency*.’ He sought that either the controlled activity status be retained for regionally significant infrastructure, or that network utility operators be added to the definition of statutory agencies.
435. Mr Kennedy accepted including of the word ‘*existing*’ in CE-R7(b), but expressed concern about the recommended changes to clause (c), which provided for new network utility infrastructure within a formed legal road. He queried whether this was intended to refer to road reserve, and whether road controlling authorities would want infrastructure located in

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

road reserves. He also noted there was no s32-32AA assessment in relation to the change and considered the potential impact was different to that originally proposed.

Reporting Officer’s Reply Evidence

436. In response to a Panel query requesting examples of setbacks from the coastal environment in other district plans, Ms Easton provided the following table:

Plan	Setback Width from Coastal Environment
Waimakariri	20m
Wellington	10m
Auckland	Variable by location – 40m in countryside living zone or 50m in other rural zones

437. With respect to the activity status of CE-R5, Ms Easton noted that Forest and Bird sought a more restrictive rule due to concerns about its application to network utilities. Overall, she considered there was no scope to make the rule in its entirety a controlled activity, or to amend the rule to restrict the increase in floor area from the date of notification of the Plan.
438. In relation to infrastructure upgrading in areas of High Coastal Natural Character, Ms Easton acknowledged that, as outlined in Mr Kennedy’s evidence for Westpower, the WCRPS Chapter 6 Policy 3 supported providing for regionally significant electricity transmission and distribution alongside the National Grid and renewable electricity generation activities in areas of high and outstanding natural character, where these had locational, technical or operational requirements. She noted that the Westpower network traverses some areas of High Coastal Natural Character. She also noted that as currently drafted in the s42A Report, Rule CE – R5 allowed for new network utility buildings and structures where they were associated with the maintenance, operation, minor upgrade and repair of the network utility. In response to Mr Kenney’s concerns about ‘*minor upgrade*’ not being defined, Ms Easton considered this was remedied by her recommendation in the Natural Features and Landscape Chapter s42A Report to add a definition as follows:

***Minor upgrade** means increasing the carrying capacity, efficiency, security, or safety of a network utility, or renewable electricity generation activity where the effects of the activity are the same or similar in character, intensity in scale as the existing structure or activity. This includes increasing generation, transmission or distribution capacity and includes replacing support structures within the footprint of existing lawfully established activities.*

439. Ms Easton considered that, with the addition of this definition, appropriate provision was made for electricity distribution activities within Rule CE-R5.
440. In relation to CE-R6, the Panel queried whether there was scope for deleting clause (4). Ms Easton noted that the s42A Report for the Natural Hazards Chapter recommended this clause was deleted from the NH rules. She noted that she had recommended the clause was deleted for consistency with the NH Chapter, but having carefully reviewed the submissions, she did not find scope for this and therefore no longer recommended this amendment.
441. Ms Eaton reviewed the wording of CE-R6(6) and considered this clause, which required assessment to confirm the extent of effects, created ambiguity as to whether an activity may be permitted or not. However, she did not consider this clause could be deleted as an RMA

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

Schedule 1, clause 16 amendment, but considered it may be possible to redraft them to a certification process and recommended an amended wording on this basis.

442. In relation to CE-R7, Ms Easton recommended the word '*existing*' was replaced by '*lawfully established*'. She also considered there was a need to refer to this being at the date of notification of the Plan to avoid cumulative effects, which she considered reflected the relief sought by the Director General and provided for consistency with other rules.

443. In response to Mr Brass' evidence for the Director General on CE-R15, Ms Easton recommended that two additional matters of discretion be added to the rule as follows:

Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems; and

Effects on the intrinsic values of ecosystems;

444. Ms Easton accepted that tall buildings could impact on ecosystem values and ecological function, and that large buildings would likely result in more earthworks and disturbance of vegetation, which could have consequential impacts on both these matters.

Hearing Panel's Evaluation

Rule CE – R5

445. The Panel accepts Ms Easton's reasoning and recommended amendments to Rule CE-R5, as shown in Appendix 1 of the s42A Report. We agree that the limits in CE-R5 are appropriate to give effect to the NZCPS and WCRPS. We note that it is possible to design a two-story building with a height limit of 7m. We have made one additional amendment to clause (4)(d) to delete '*is*' to correct the sentence.

Rule CE – R6

446. The Panel accepts Ms Easton's reasoning and recommended amendments to Rule CE-R6, as shown in Appendix 1 of the Right of Reply, subject to minor amendments discussed below. We note that the rule as notified had clauses (5) and (6) in the reverse order to that shown in the s42A Report and the Right of Reply. We have changed these to reflect the rule as notified.

447. The Panel accept that the recommended amendments to clause (5) improve clarity and interpretation by using terms that are consistent plan-wide, without changing the intent as notified. We are satisfied these meet RMA Schedule 1, clause 16.

448. The Panel recommends amendments to the wording of clause (6) to be consistent with our recommendations Plan-wide to use the phrase '*or authorised contractor acting on its behalf*', which is discussed in the General District-Wide - Earthworks Chapter Recommendation Report.

449. The Panel note NZTA Waka Kotahi (S450.138) sought clarification of clause (4). We recommend deleting the first part of the sentence so that the requirement is '*Only cleanfill is used where fill materials are part of the structure*' to aid interpretation. We consider it is appropriate to not allow the use of material that may leach contaminants as a permitted activity.

450. The Panel has undertaken a s32AA evaluation of changing the default activity status from a controlled to restricted discretionary activity. We consider this will be more effective in giving

effect to the RMA, NZCPS and WCRPS, and in implementing the CE Chapter objectives and policies. A controlled activity cannot be declined and therefore may not give effect to higher order statutory direction. We consider there will be very little difference in the cost of a resource consent application. We consider the potential cost to the environment from not being able to refuse consent for inappropriate activities and any degradation of natural character far exceed any consent application cost.

Rule CE – R7

451. The Panel accepts Ms Easton’s reasoning and recommended amendments to Rule CE-R7, as shown in Appendix 1 of the Right of Reply. However, we have recommend adding ‘renewable electricity generation *activities*’ in clause (1)(b) to use the defined terminology. We do not support installation of new network utility infrastructure within the formed legal road and consider this should be amended to ‘legal road reserve’, as recommended in Rule CE-R4 above. This addressed the concerns raised by Mr Kennedy in this regard.

Hearing Panel’s Recommendation

452. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend to the **Coastal Environment Rules** as follows:

CE - R5 Buildings and Structures in the Coastal Environment within the High Coastal Natural Character Overlay as identified in Schedule Seven¹³⁶

Activity Status Permitted

Where:

1. These buildings and structures are required for the maintenance, operation, minor upgrade and repair of network utilities or renewable electricity generation activities; or
2. Within the **OSRZ** -¹³⁷ Open Space and Recreation Zones, this is parks facilities or parks furniture; or
3. Within the Māori Purpose Zone, these are Māori Purpose Activities; or
4. In all other zones:
 - a. **Any new residential dwelling on a site where no other dwelling is located is no more than 150m² ground floor area;**¹³⁸
 - b. Any **other**¹³⁹ new building is no more than 100m² ground floor area;
 - c. Any addition increases the total building footprint by no more than 50m²;
 - d. The maximum height above ground level is¹⁴⁰ for any building or structure is 7m-; **and**
 - e. **New buildings are set back 25m from mean high water springs.**¹⁴¹

Advice Note:

Refer to the ~~Natural Hazards, Sites and Areas of Significance to Māori, Historic Heritage, Natural Character and the Margins of Waterbodies Overlay Chapters~~ **and zone chapters** for **other** rules in relation to buildings and structures in these areas.¹⁴²

¹³⁶ Buller District Council S583.287

¹³⁷ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0582

¹³⁸ Buller District Council S538.292, Lynne Lever & Greg Tinney S320.005, Hapuka Landing Limited S514.003

¹³⁹ RMA Schedule 1, clause 16(2)

¹⁴⁰ RMA Schedule 1, clause 16(2)

¹⁴¹ Director General of Conservation S602.151

¹⁴² Director General of Conservation S602.151

Activity status where compliance not achieved: Restricted Discretionary

CE - R6 Maintenance, ~~Alteration,~~¹⁴³ Repair and Reconstruction¹⁴⁴ Upgrade¹⁴⁵ of Natural Hazard Mitigation Structures and associated earthworks in the Coastal Environment within the High Coastal Natural Character Overlay ~~identified in Schedule Seven~~¹⁴⁶

Activity Status Permitted

Where:

1. The structure has been lawfully established;
2. Earthworks and land disturbance is ~~the minimum required to undertake the activity~~ **no more than 25m³ per 200m length of coastline in which the structure is located,**¹⁴⁷
3. There is no reduction in public access;
4. ~~The materials used are the same as the original, or most significant material, or the closest equivalent provided that~~ Only cleanfill is used where fill materials are part of the structure;¹⁴⁸
5. There is no change to more than 10% to the overall dimensions, orientation, **height** or **length** outline of **the lawfully established** structure ~~from the consented structure, and an assessment is provided~~ **the structure is certified** by a suitably qualified professional confirming **that** the effects **of the activity** are no greater than the consented **lawfully established** structure; and¹⁴⁹
6. **Any upgrade of the structure**¹⁵⁰ The activity is undertaken by a Statutory Agency or their designated **authorised** contractor **acting on its behalf.**¹⁵¹

Advice Note:

1. The rules in the Earthworks Chapter do not apply to Permitted Activities under Rule CE - R6.
2. Earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters.
3. Any indigenous vegetation clearance or disturbance¹⁵² is subject to the relevant rules in the Ecosystems and **Indigenous**¹⁵³ Biodiversity Chapter.

Activity status where compliance not achieved: ~~Controlled~~ **Restricted discretionary**¹⁵⁴

CE - R7 Earthworks ~~within the Coastal Environment~~ in the High Coastal Natural Character Overlay ~~identified in Schedule Seven~~¹⁵⁵

Activity Status Permitted

Where:

1. These are for:

¹⁴³ Director General of Conservation S602.152, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.295

¹⁴⁴ Director General of Conservation S602.152, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.295

¹⁴⁵ Director General of Conservation S602.152

¹⁴⁶ Buller District Council S583.287

¹⁴⁷ NZTA Waka Kotahi S450.138

¹⁴⁸ NZTA Waka Kotahi S450.138

¹⁴⁹ RMA Schedule 1, clause 16(2)

¹⁵⁰ Buller District Council S583.293

¹⁵¹ RMA Schedule 1, clause 16(2) Plan-wide amendment

¹⁵² Consequential amendment to remove 'disturbance' from the ECO rules in the ECO Chapter Recommendation Report

¹⁵³ RMA Schedule 1, clause 16(2) Plan-wide amendment

¹⁵⁴ Director General of Conservation S602.152

¹⁵⁵ Buller District Council S583.287

- a. **Operation, maintenance, repair and upgrade of**¹⁵⁶ ~~walking/cycling tracks, roads, farm tracks or fences~~ **lawfully established;**¹⁵⁷
 - b. Operation, maintenance, repair, upgrade ~~of or installation of new~~ network utility infrastructure or renewable electricity generation **activities**¹⁵⁸ **lawfully established;**¹⁵⁹
or
 - c. **Installation of new network utility infrastructure located within road reserve;**¹⁶⁰
 - d. Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site;
 - e. **Establishment of buildings permitted by Rule CE – R5; and**¹⁶¹
2. Any fill, excavation or removal is not more than 250m²/ha and 250m³/ha.

Advice Note:

1. Any indigenous vegetation clearance ~~or disturbance~~¹⁶² is subject to the relevant rules in the Ecosystems and **Indigenous**¹⁶³ Biodiversity Chapter.
2. Any earthworks are also subject to relevant rules in the **Earthworks**,¹⁶⁴ Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters.
3. This rule also applies to ~~plantation~~ **commercial** forestry activities, where this provision is more stringent than the NES - **PCF**.¹⁶⁵

Activity status where compliance not achieved: Restricted Discretionary

3.7. Permitted Activities in the Outstanding Coastal Environment Area

Submissions and Further Submissions

453. The s42A Report summarised six general submissions on permitted activities in a table on page 121, which all sought amendments.
454. Thirty-four submissions and three further submissions received on **Rule CE-R8** were summarised in a table on pages 121-123 of the s42A Report. One further submission was in support of an amendment and two opposed an amendment.
455. Nineteen submissions and five further submissions received on **Rule CE-R9** were summarised in a table on pages 123-125 of the s42A Report. Two further submissions were in support of some amendments and three opposed some amendments.
456. Twenty-five submissions and five further submissions received on **Rule CE-R10** were summarised in a table on pages 125-128 of the s42A Report. One further submission was in support of an amendment and four opposed amendments.

¹⁵⁶ Director General of Conservation S602.153

¹⁵⁷ Director General of Conservation S602.153

¹⁵⁸ RMA Schedule 1, clause 16(2)

¹⁵⁹ Director General of Conservation S602.153

¹⁶⁰ Director General of Conservation S602.153

¹⁶¹ Lynne Lever & Greg Tinney S320.006

¹⁶² Consequential amendment to remove 'disturbance' from the ECO rules in the ECO Chapter Recommendation Report

¹⁶³ RMA Schedule 1, clause 16(2) Plan-wide amendment

¹⁶⁴ Director General of Conservation S602.153

¹⁶⁵ RMA Schedule 1, clause 16(2) Plan-wide amendment

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

457. Twenty-two submissions and four further submissions received on **Rule CE-R11** were summarised in a table on pages 128-130 of the s42A Report. Two further submissions were in support of amendments and two opposed amendments.

Section 42A Report

458. Six submissions¹⁶⁶ on the permitted activities sought that they be more enabling of development. Ms Easton did not support these submission points because the Outstanding Coastal Environment Area represented the most significant landscapes and natural character areas on the West Coast. She noted that there was very little development in these areas and that section 6 of the RMA, the NZCPS and the WCRPS set a clear expectation that permitted activities in these areas would be limited to those what were not likely to result in adverse effects. She considered this was a high standard and that the rules were appropriately restrictive to give effect to the higher order statutory direction.

Rule CE-R8

459. Ms Easton acknowledged the submissions from Te Mana Ora (\$190.486) and BDC (\$538.295) in support of the rule.

460. Twelve submissions¹⁶⁷ sought the rule be more enabling of development as they considered it was too restrictive. Seven submissions¹⁶⁸ sought removal of the height limit or a more appropriate height limit specified at the time of subdivision. Birchfield Coal Mines (\$601.059) sought that the maximum size for an addition be increased from 50m² to 100m². Ms Easton did not support these submissions, noting the Outstanding Coastal Environment Area represented the most significant landscapes and natural character areas on the West Coast. She noted that there was very little development in these areas and that s6 of the RMA, the NZCPS and the WCRPS set a clear expectation that permitted activities in these areas would be limited to those that were not likely to result in adverse effects on natural character. She considered the permitted activity standards were designed to ensure adverse effects did not occur. She noted that significant development was not anticipated in these areas and if development was proposed it needed to be carefully assessed within a resource consent framework.

461. Dean Van Mierlo (\$570.007) sought to amend the rule to enable additions and alterations that were the same height as an existing building, or alternative relief by increasing the height limit to 7m. Ms Easton supported this submission in part in that she considered that additions to the same height as an existing building were likely to have less than minor effects on natural character, while recognising existing development in a practical manner.

462. Ms Easton supported a submission point from Westpower (\$547.434) that sought amendments to clarify that clause (2) applied to additions and alterations above ground level because she considered this change clarified the intent of the rule.

¹⁶⁶ John Brazil (\$360.040), William McLaughlin (\$567.357), Steve Croasdale (\$516.077), Chris & Jan Coll (\$58.293), Chris J Coll Surveying Limited (\$566.293), Laura Coll McLaughlin (\$574.293)

¹⁶⁷ Peter Langford (\$615.098), Karamea Lime Company (\$614.098), Catherine Smart-Simpson (\$564.076), Geoff Volckman (\$563.0174), Leonie Avery (\$507.096), Jared Avery (\$508.096), Kyle Avery (\$509.096), Avery Bros (\$510.096), Bradshaw Farms (\$511.096), Paul Avery (\$512.096), Brett Avery (\$513.096), Neil Mouat (\$535.046)

¹⁶⁸ Tim and Phaedra Robins (\$579.023 and \$579.024), Joel and Jennifer Watkins (\$565.027), Tim Macfarlane (\$482.015), Russell and Joanne Smith (\$447.015), Claire & John West (\$506.015), Lauren Nyhan & Anthony Phillips (\$533.015), and Stewart & Catherine Nimmo (\$559.015)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

463. Ms Easton supported a submission point from Waka Kotahi NZTA (S450.104) that sought to amend the time period limit within which any additions and alterations must meet the 50m² limit and considered 5 years would be appropriate.
464. Ms Easton supported submission points from the Director General (S602.154) that sought to amend the rule heading to state the building must be legally established; and from Forest and Bird (S560.0565) that sought that the building or structure was lawfully established. She recommended an amendment to the rule title.
465. Ms Easton did not support a submission from Forest and Bird (S560.297) that sought to amend the rule to apply to the wider coastal environment because only additions and alterations were permitted in the outstanding areas and not new buildings given the outstanding values in these areas. She did not consider additional regulation of additions and alterations was warranted in other areas that did not have outstanding values.
466. Forest and Bird (560.0565) sought a specific clause providing for upgrades of lawfully established network utility infrastructure and for electricity generation activities where the limits in clause (1) and (2) were met. Ms Easton noted that she had considered this request carefully, but was not convinced that it was a necessary change because Rule CE-R10 already dealt with the erection of buildings for this purpose and the requested change would be a duplication.
467. Ms Easton did not support a submission point from Forest and Bird (S560.566) seeking a Discretionary activity status where compliance is not achieved. She considered the wide range of matters of discretion in CE-R14 can appropriately manage potential adverse effects of additions and alterations.
468. Ms Easton supported in part a submission from Forest and Bird (S560.0568) that sought earthworks be included in the same rule, with inclusion of a maximum limit of 100m² and 100m³ of fill, excavation and removal. The submitter was concerned that the rule did not provide for the earthworks necessary to construct these buildings. Ms Easton considered the area/volume limit was appropriate, but recommended an amendment to CE-R11 would be more appropriate to provide for earthworks.

Rule CE-R9

469. Ms Easton acknowledged the submission from Te Mana Ora (S190.487) in support of the rule.
470. Twelve submissions¹⁶⁹ sought the rule be more enabling of development as they considered it was too restrictive. Ms Easton did not support these submissions, noting the Outstanding Coastal Environment Area represented the most significant landscapes and natural character areas on the West Coast. She noted that there was very little development in these areas and that s6 of the RMA, the NZCPS and the WCRPS set a clear expectation that permitted activities in these areas would be limited to those that were not likely to result in adverse effects. She considered the construction and upgrade of natural hazard mitigation structures could have significant adverse effects on natural character, landscape, biodiversity values and public access, and that these matters must be appropriately assessed through a resource consent process.

¹⁶⁹ Peter Langford (S615.099), Karamea Lime Company (S614.099), Catherine Smart-Simpson (S564.077), Geoff Volckman (S563.0175), Leonie Avery (S507.097), Jared Avery (S508.097), Kyle Avery (S509.097), Avery Bros (S510.097), Bradshaw Farms (S511.097), Paul Avery (S512.097), Brett Avery (S513.097), Neil Mouat (S535.047)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

471. The Director General (S602.155) sought several amendments including:
- (a) Removing ‘*reconstruction*’ from the rule to ensure adverse natural character effects were assessed through a resource consent process.
 - (b) Changing the activity status where compliance is not achieved from controlled to discretionary so that any application under the rule could be declined where adverse effects were significant.
 - (c) Adding a requirement that all earthworks be contained wholly within the footprint of the mitigation structure.
472. Ms Easton supported this submission in part, noting that she considered consistency with her s42A Reports on other RMA s6 matters. On that basis, she supported removing ‘*reconstruction*’ from the rule and the proposed amendment to clause (2), requiring earthworks to be contained within the footprint of the structure. She did not support a discretionary activity status, but considered restricted discretionary was appropriate and consistent with her recommendations on Rule CE-R6.
473. Ms Easton did not support a submission point from Forest and Bird (S560.298) that sought to amalgamate the rule with CE-R6 because she noted her recommended amendments had reduced the similarity and appropriately reflected the differences between areas of HCNC and OCNC.
474. BDC (S538.296) sought to delete the reference in clause (6) to work being undertaken by a statutory agency or designated contractor. Ms Easton supported this submission point in part, considering it was consistent with her recommendations on other chapters of the Plan that maintenance and repair of lawfully established natural hazard mitigation structures should be permitted, regardless of ownership. She considered the requirement for the activity to be undertaken by a statutory agency or their contractor was now unnecessary given she had recommended reconstruction and upgrade of these structures be excluded from this permitted activity rule.
475. GDC (S608.657) sought clarification of the definition of ‘*Statutory Agency*’ and to ensure the road network was protected. Ms Easton supported this submission and considered the definition for ‘*Statutory Agency*’ addressed this given it includes District Councils. However, she noted she had recommended this standard was deleted.
476. Ms Easton did not support a submission from WDC (S181.027) that sought to replace ‘*no reduction in public access*’ with ‘*practical public access is provided for.*’ She noted that the rule was a permitted activity and there was no way to assess ‘*practical public access*’. She considered this change could lead to a reduction in public access to the coast, which was a matter of national importance under RMA s6 that should be assessed and managed through a resource consent process.
477. Waka Kotahi NZTA (S450.141) sought a specific figure set for earthworks volume and area within the rule, a definition for ‘*Statutory Agency*’ and that the intent of clause (4) (which referred to materials) was clarified. Ms Easton supported this submission in part, recommending that consistency with CE-R6 was retained where appropriate, and that clause (4) was deleted. Ms Easton noted that she preferred the relief sought in the Director General’s submission point that sought for earthworks to be contained within the footprint of the structure.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

478. Ms Easton recommended an additional change to the rule that was not included in any submissions, to replace *‘originally consented, or consented variation’* with *‘lawfully established,’* to achieve greater consistency of terminology with Rule NH-R2. She considered this could be made as an RMA Schedule 1, clause 16 amendment.

Rule CE-R10

479. Ms Easton acknowledged the submissions¹⁷⁰ in support of the rule as notified.

480. Twelve submissions¹⁷¹ sought that the rule be amended to be more enabling of development because they considered the rule was too restrictive. BDC (S538.297) sought that the size of a building in clause (5) be increased to 150m² and that the rule enable residential buildings to be constructed as a permitted activity. Dean Van Mierlo (S570.009) sought to include *‘residential activities’*.

481. Ms Easton did not support these submissions, noting that the Outstanding Coastal Environment Area represented the most significant landscapes and natural character areas on the West Coast. She noted that there was very little development in these areas and that s6 of the RMA, the NZCPS and the WCRPS set a clear expectation that permitted activities in these areas must be limited to those that were not likely to result in adverse effects. She noted that the degradation of outstanding natural landscapes on the West Coast between 2013 and 2023 arose due to residential development, not farming activities.

482. Ms Easton noted there are a very small number of vacant allotments within this overlay (principally at Pahautane and Barrytown hills) that did not contain existing dwellings. Other than on these lots, she noted residential development could only arise as a result of subdivision of GRUZ or LRZ land, or through the subdivision incentive process where legal protection of the significant indigenous vegetation and fauna habitat was required. She noted that these locations were entirely vegetated and considered the size and location of any dwelling was most appropriately considered at the time of any subdivision, and should be subject to a resource consent process.

483. Ms Easton supported a submission from Westpower (S547.436) that sought for the rule heading be amended to *‘and’* rather than *‘or’* structures. She did not support its submission (S547.435) that sought to include *‘minor upgrading’* in the rule heading to be consistent with other rules throughout the Plan. She considered including the term in the heading was not appropriate when minor upgrade was only included in clause (3), which covered a range of specific types of structures. She also did not support its submission point (S547.437) to include *‘energy activities and critical infrastructure’* clause (3) because she did not support expanding the activities the rule applied to for reasons outlined previously.

484. Forest and Bird (S560.299) sought the rule be amended to a restricted discretionary activity as it would not be possible to undertake these activities without earthworks, which were not provided for in CE-R11. Ms Easton supported this submission point in part. She did not support amending the activity status to restricted discretionary. She agreed that construction of fences, buildings and some other structures would require earthworks, but considered this

¹⁷⁰ Te Mana Ora (S190.488), KiwiRail Holding Limited (S442.080), NZTA Waka Kotahi (S450.142)

¹⁷¹ Peter Langford (S615.100), Karamea Lime Company (S614.100), Catherine Smart-Simpson (S564.078), Geoff Volckman (S563.0176), Leonie Avery (S507.098), Jared Avery (S508.098), Kyle Avery (S509.098), Avery Bros (S510.098), Bradshaw Farms (S511.098), Paul Avery (S512.098), Brett Avery (S513.098), Neil Mouat (S535.048)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

was best managed through an appropriate earthworks standard in CE-R11, reflecting the alternative relief the submitter sought in a previous submission point.

485. The Director General (S602.156) sought the maximum size of new buildings for agricultural, pastoral or horticultural activities be reduced to 50m² and a maximum height of 3m. The Director (S602.164) also sought that the rule escalates to discretionary with the addition of a new rule. Ms Easton noted that she had considered this submission point carefully. She considered that the nature and location of these areas meant that agricultural activities were unlikely and that buildings were expected to be small-scale, and have a functional or operational need to locate in these areas. She supported the submission in part, considering the 50m² size appropriate, but recommended the 5m height limit be retained. She considered that small buildings such as pump houses could be established without adverse effects on natural character values.
486. GDC (S608.658) sought a definition of ‘*maintenance*’ as it related to the rule. Ms Easton noted that the definition for ‘*maintenance*’ stated: ‘*in relation to infrastructure and renewable electricity generation activities, any work or activity necessary to continue to the operation and/or functioning of existing infrastructure. It does not include upgrading*’. She therefore considered this matter was provided for and did not support this submission.

Rule CE-R11

487. Ms Easton acknowledged submissions¹⁷² in support of the rule as notified.
488. Twelve submissions¹⁷³ sought the rule be amended to be more enabling of development because they considered it was too restrictive. Joel and Jennifer Watkins (S565.028) and Tim and Phaedra Robins (S579.025) sought to include access and building platforms as a permitted activity. Ms Easton did not support these submissions, noting that the Outstanding Coastal Environment Area represented the most significant landscapes and natural character areas on the West Coast. She noted that there was very little development in these areas and that s6 of the RMA, the NZCPS and the WCRPS set a clear expectation that permitted activities in these areas must be limited to those that were not likely to result in adverse effects, not just significant adverse effects. Ms Easton noted that for this reason the rule was very restrictive around earthworks and focused only on allowing earthworks associated with maintenance, operation and repair, not new activities.
489. Birchfield Coal Mines (S601.060) sought an exclusion for mineral extraction, exploration and prospecting because other rules in the Plan adequately manage these activities. Ms Easton did not support this submission because she considered other rules managing these activities were not drafted with consideration of Outstanding Coastal Environment Areas. She considered excluding these activities could result in adverse effects or significant adverse effects on these areas.
490. Westpower (S547.438) sought an amendment to clause (b) to include ‘*energy activities and critical infrastructure*’, and that the word ‘*activities*’ be included in relation to renewable electricity generation. Ms Easton did not support an expansion of the activities provided for by the rule for reasons previously outlined. She was also not aware of other activities that were included within the definition of critical infrastructure that were located within these,

¹⁷² Te Mana Ora (S190.489), Buller District Council (S538.298), NZTA Waka Kotahi (S450.143)

¹⁷³ Peter Langford (S615.101), Karamea Lime Company (S614.101), Catherine Smart-Simpson (S564.079), Geoff Volckman (S563.0177), Leonie Avery (S507.099), Jared Avery (S508.099), Kyle Avery (S509.099), Avery Bros (S510.099), Bradshaw Farms (S511.099), Paul Avery (S512.099), Brett Avery (S513.099), Neil Mouat (S535.049)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

generally remote and very natural outstanding areas. She supported the inclusion of 'activities' as this was consistent with other parts of the plan.

491. The Director General (S602.157) sought an amendment to include the word 'existing' in the and for an additional clause 'the earthworks are wholly contained within the footprint of the walking/cycling track, road, farm track, fence, network utility infrastructure, or renewable electricity generation infrastructure'. Ms Easton supported the submission in part. She preferred the term 'lawfully established' to 'existing' for consistency with other provisions in the Plan. In relation to earthworks, she agreed that limits were required and recommended 100m²/100m³/ha area and volume, based on the Forest and Bird submission points. In relation to other activities, she supported requiring earthworks to be contained within the footprint of the activity.
492. Forest and Bird (S560.300 and S560.0564) sought to delete the rule or amend it to include appropriate limits for permitted activities. Ms Easton did not support deleting the rule, but supported the requested amendments in part, as she considered limits on the earthworks to be appropriate. She considered her recommended limits on earthworks provided relief to this submission point.

Hearing and Submitter Evidence/Statements

493. Mr Brass, for the Director General, confirmed support for the s42A Report recommendations on rules CE-R8 to CE-R11.
494. Ms Inta noted that the 50m² permitted activity standard for additions in CE-R8 could result in cumulative effects on outstanding natural areas.
495. Mr Kennedy, for Westpower, accepted the s42A Report recommendations on CE-R8. He was concerned the s42A Report recommendations on CE-R9 could impact regionally significant infrastructure. He considered that if the term reconstruction was removed, it should be clear how this was differentiated from maintenance, alteration or repair, given that any of these could be deemed reconstruction depending on the circumstances. He also considered that the recommended restricted discretionary activity status created uncertainty and did not provide for secure supply or enable safe, efficient and integrated regionally significant infrastructure. He considered the controlled activity status should be retained for regionally significant infrastructure.
496. Mr Kennedy generally accepted the s42A Report recommendations on CE-R10, except he requested that regionally significant infrastructure be included in clause (3). With respect to the term 'minor upgrade', he clarified that the reason for seeking a definition of this term was to clarify what constitutes a permitted activity. He requested that either this term be defined or replaced with 'upgrade'.
497. Mr Kennedy noted that the word 'activities' had been added to 'renewable electricity generation' in clause (1)(a) but not in (1)(b). He also sought that reference to regionally significant infrastructure be included. He considered that the recommended amendments would place a new limit on the ability to undertake activities under clauses (a) and (b) and requested clause (1)(b) be amended to a new standalone clause as follows:

Where the earthworks ... for: a. ... or
*2. Where these are for the Operation, maintenance, repair and upgrade of lawfully established **regionally significant infrastructure**, network utility infrastructure, or renewable electricity generation **activities**; or*

Reporting Officer's Evidence in Reply

498. The Panel queried whether, in light of evidence presented at the hearing, Ms Easton still supported CE-R8 allowing a 50m² addition every five years given the potential for cumulative effects; and whether there was still a need for a maximum size rule. Ms Easton confirmed she no longer supported the s42a Report recommendation and considered the five year provision should be removed. She supported a maximum size limit, but considered there was no scope to make this change. In response to a further Panel query, Ms Easton also confirmed that Rule CE-R8 cascades to Rule CE-R16 (Discretionary).
499. Ms Easton confirmed that the references to 'alterations' could be deleted from rules CE-R8, CE-R9 and CE-R10, as a minor amendment.
500. In relation to CE-R9, Ms Easton did not support 'no reduction in public access' being replaced with 'public access is maintained'. She considered 'no reduction' to be a higher bar and that this change could allow a reduction of public access. For this reason, she did not support the change.
501. Ms Easton considered CE-R9(5) was ambiguous as to whether or not an activity may be permitted. She did not think this clause could be deleted as a clause 16 amendment, but considered it could be reworded to refer to a certification process as follows:

*5. There is no change to more than 10% to the overall dimensions, orientation or outline of **the lawfully established structure** ~~from that originally consented, or consented variation lawfully established, and an assessment is provided~~ **the structure is certified** by a suitably qualified professional confirming **that the effects of the activity** are no greater than ~~the originally consented or consented variation~~ lawfully established structure; ~~and~~*

502. Ms Easton clarified that her s42A Report recommendation on Rule CE-R10 was for a discretionary activity status and noted the restricted discretionary activity status in her Appendix 1 was incorrect.
503. Ms Easton supported adding 'Māori Purpose Activities in a Māori Purpose Zone' to CE-R10(5), however, did not find scope to do so, as Poutini Ngāi Tahu did not submit on this rule; and other submissions that sought it be more permissive did not relate to Māori Purpose Activities or the Māori Purpose Zone.
504. The Panel requested that Ms Easton rephrase CE-R11 to make it clearer and consider the evidence of Westpower. Ms Easton recommended clause (1) and (2) be clarified and reference to regionally significant infrastructure be included.

Hearing Panel's Evaluation

Rule CE – R8

505. The Panel accepts Ms Easton's reasoning and recommended amendments to Rule CE-R8, as shown in Appendix 1 of the Right of Reply. The Panel accepts these amendments give effect to the NZCPS and WCRPS. We recommend the Waka Kotahi NZTA submission point is rejected to avoid cumulative adverse effects on areas of outstanding natural character. We accept the limits recommended are appropriate to preserve outstanding natural character of the coastal

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

environment. We agree that any activities outside of these permitted activity standards should be considered as a discretionary activity to allow a full assessment of potential effects.

506. The Panel has corrected the reference to the '*Ecosystem and Indigenous Biodiversity Chapter*' in the advice notes of rule CE-R8 to CE-R11.
507. The Panel has undertaken a s32AA evaluation of changing the default activity status from a restricted discretionary to a discretionary activity. We consider this will be more effective in giving effect to the RMA, NZCPS and WCRPS, and in implementing the CE Chapter objectives and policies. A discretionary activity will allow for a full consideration of potential adverse effects on the environment to give effect to higher order statutory direction. We consider there will be very little difference in the cost of a resource consent application. We consider the potential cost to the environment from not being able to fully consider potential adverse effects on outstanding natural character far exceed any consent application cost.

Rule CE – R9

508. The Panel accepts Ms Easton's reasoning and recommended amendments to Rule CE-R9, as shown in Appendix 1 of the Right of Reply, subject to minor amendment discussed below. The Panel accepts these amendments give effect to the NZCPS and WCRPS. We agree that any activities outside of these permitted activity standards should be considered as a restricted discretionary activity because an application for controlled activity cannot be declined in situations where adverse effects on natural character cannot be avoided.
509. The Panel do not recommend adding '*is contained wholly within the footprint of the mitigation structure*' to clause (2) because we do not understand how this could be done within the footprint of an existing structure that is being upgraded. We consider this should remain as notified and consider the limits in clause (5) are appropriate to address this.
510. The Panel recommends clarifying clause (4), as requested by Waka Kotahi NZTA. We recommend deleting the first part of the sentence so that the requirement is '*Only cleanfill is used where fill materials are part of the structure*' to aid interpretation. As with Rule CE-R6 above, we consider it is appropriate to not allow the use of material that may leach contaminants as a permitted activity.
511. The Panel recommends minor amendments to clause (5) to be consistent with the changes to Rule CE-R6 above to replace '*outline*' with '*height or length*' for clarity and assist with interpretation. We have also made minor changes to make the order of the wording consistent with the equivalent clause in Rule CE-R6.
512. The Panel recommends retaining clause (6) because this rule relates the outstanding coastal environment area and we consider oversight by a statutory agency is important given the rule permits increases up to 10% to the overall dimension of a lawfully established structure and these could be a significant increase if it is a large structure.
513. The Panel has undertaken a s32AA evaluation of changing the default activity status from a controlled to restricted discretionary activity. We consider this will be more effective in giving effect to the RMA, NZCPS and WCRPS, and in implementing the CE Chapter objectives and policies. A controlled activity cannot be declined and therefore may not give effect to higher order statutory direction. We consider there will be very little difference in the cost of a resource consent application. We consider the potential cost to the environment from not

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

being able to refuse consent for inappropriate activities and any degradation of outstanding natural character in the coastal environment far exceeds any consent application cost.

Rule CE – R10

514. The Panel accepts Ms Easton’s reasoning and recommended amendments to Rule CE-R10, as shown in Appendix 1 of the Right of Reply, subject to minor corrections.

515. The Panel has undertaken a s32AA evaluation of changing the default activity status from a restricted discretionary to a discretionary activity. We consider this will be more effective in giving effect to the RMA, NZCPS and WCRPS, and in implementing the CE Chapter objectives and policies. A discretionary activity will allow for a full consideration of potential adverse effects on the environment to give effect to higher order statutory direction. We consider there will be very little difference in the cost of a resource consent application. We consider the potential cost to the environment from not being able to fully consider potential adverse effects on outstanding natural character far exceeds any consent application cost.

Rule CE – R11

516. The Panel accepts Ms Easton’s reasoning and recommended amendments to Rule CE-R11, as shown in Appendix 1 of the Right of Reply, subject to minor amendments already discussed.

Hearing Panel’s Recommendation

517. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend changes to the **Coastal Environment Rules** as follows:

CE - R8 Additions and Alterations¹⁷⁴ to Lawfully Established Buildings and Structures in the Outstanding Coastal Environment Area

Activity Status Permitted

Where:

1. The addition or alteration¹⁷⁵ increases the building footprint or footprint of the structure by no more than 50m²;
2. The maximum height of **any addition to a¹⁷⁶ building and or structures above ground level is 5m above ground level or the height of the existing lawfully established building or structure.**¹⁷⁷

Advice Notes:

1. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and **Indigenous**¹⁷⁸ Biodiversity Chapter.
2. Any earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and the Margins of Waterbodies Chapters.

¹⁷⁴ RMA Schedule 1, clause 16(2)

¹⁷⁵ RMA Schedule 1, clause 16(2)

¹⁷⁶ Westpower Limited S547.434

¹⁷⁷ Dean van Mierlo S570.008

¹⁷⁸ RMA Schedule 1, clause 16(2)

Activity status where compliance not achieved: ~~Restricted~~ Discretionary¹⁷⁹

CE - R9 Maintenance, ~~Alteration, and Repair and Reconstruction~~¹⁸⁰ of Natural Hazard Mitigation Structures within the Outstanding Coastal Environment Area

Activity Status Permitted

Where:

1. The structure has been lawfully established;
2. Earthworks and land disturbance are the minimum required to undertake the activity;
3. There is no reduction in public access;
4. ~~The materials used are the same as the original, or most significant material, or the closest equivalent provided that~~ Only cleanfill is used where fill materials are part of the structure;¹⁸¹
5. There is no change to more than 10% to the overall dimensions, orientation, **height** or **length** ~~outline of the lawfully established structure from the consented structure, and an assessment is provided~~ **the structure is certified** by a suitably qualified professional confirming **that** the effects **of the activity** are no greater than the consented **lawfully established** structure; and¹⁸²
6. The activity is undertaken by a Statutory Agency or their ~~designated~~ **authorised** contractor **acting on its behalf**.¹⁸³

Advice Notes:

1. ~~The rules in the Earthworks Chapter do not apply to Permitted Activities under Rule CE-R9.~~¹⁸⁴
1. Earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and the Margins of Waterbodies Chapters.
2. Any indigenous vegetation clearance ~~or disturbance~~¹⁸⁵ is subject to the relevant rules in the Ecosystems and **Indigenous**¹⁸⁶ Biodiversity Chapter.

Activity status where compliance not achieved: ~~Controlled~~ Restricted Discretionary¹⁸⁷

CE – R10 Erection of ~~a Buildings or~~ ¹⁸⁸ Structures in the Outstanding Coastal Environment Area

Activity Status Permitted

Where the structure is:

1. A fence; or
2. Associated with stock water reticulation including tanks, pipes and water troughs; or

¹⁷⁹ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0567

¹⁸⁰ Director General of Conservation S602.155

¹⁸¹ NZTA Waka Kotahi S450.141

¹⁸² RMA Schedule 1, clause 16(2)

¹⁸³ RMA Schedule 1, clause 16(2) Plan-wide amendment

¹⁸⁴ Director General of Conservation S602.155

¹⁸⁵ Consequential amendment to remove 'disturbance' from the ECO rules in the ECO Chapter Recommendation Report

¹⁸⁶ RMA Schedule 1, clause 16(2)

¹⁸⁷ Director General of Conservation S602.155

¹⁸⁸ Westpower Limited S547.436

3. Required for the maintenance, operation, minor upgrade and repair of network utilities or renewable electricity generation activities; or
4. For a network utility customer connections, or environmental monitoring and extreme weather event monitoring; or
5. For agricultural pastoral and horticultural activities or an accessory building; and
 - i. The height of any building or structure does not exceed 5m above ground level; and
 - ii. The gross floor area of any building does not exceed 100m².

Advice Notes:

1. Any indigenous vegetation clearance ~~or disturbance~~¹⁸⁹ is subject to the relevant rules in the Ecosystems and **Indigenous**¹⁹⁰ Biodiversity Chapter.
2. Any earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters.

Activity status where compliance not achieved: ~~Restricted~~ Discretionary¹⁹¹

CE – R11 Earthworks in the Outstanding Coastal Environment

Activity Status Permitted

1. Where **the earthworks are entirely contained within the existing footprint or modified ground disturbed by a lawfully established activity and**¹⁹² these are for:
 - a. Maintenance repair or upgrade of walking/cycling tracks, roads, farm tracks or fences; **or**¹⁹³
 - b. Operation, maintenance, repair and upgrade of **Regionally Significant Infrastructure,**¹⁹⁴ network utility infrastructure or renewable electricity generation **activities; and**¹⁹⁵
2. **Where the earthworks are for additions to lawfully established buildings or structures provided for in Rule CE – R8 where any fill, excavation or removal of material is not more than 100m² per hectare and 100m³ per hectare.**¹⁹⁶

Advice Notes:

1. Any indigenous vegetation clearance ~~or disturbance~~¹⁹⁷ is subject to the relevant rules in the Ecosystems and **Indigenous**¹⁹⁸ Biodiversity Chapter.
2. Any earthworks are also subject to relevant rules in the **Earthworks,**¹⁹⁹ Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters.

¹⁸⁹ Consequential amendment to remove 'disturbance' from the ECO rules in the ECO Chapter Recommendation Report

¹⁹⁰ RMA Schedule 1, clause 16(2)

¹⁹¹ Director General of Conservation S602.156

¹⁹² Director General of Conservation S602.157

¹⁹³ RMA Schedule 1, clause 16(2)

¹⁹⁴ Westpower Limited S547.438

¹⁹⁵ RMA Schedule 1, clause 16(2)

¹⁹⁶ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0564

¹⁹⁷ Consequential amendment to remove 'disturbance' from the ECO rules in the ECO Chapter Recommendation Report

¹⁹⁸ RMA Schedule 1, clause 16(2)

¹⁹⁹ RMA Schedule 1, clause 16(2)

3. This rule also applies to ~~plantation~~ **commercial** forestry activities where this provision is more stringent than the NES - CPF.²⁰⁰

Activity status where compliance not achieved: Restricted Discretionary

3.8. Other Rules for the High Natural Character and Outstanding Coastal Environment Area Overlays

Submissions and Further Submissions

518. Thirty-three submission points and four further submissions received on **Rule CE-R12** were summarised in a table on pages 138-141 of the s42A Report. Eleven were in support and 22 sought amendments. The four further submissions opposed some amendments.
519. Twenty-four submission points and one further submission received on **Rule CE-R17** were summarised in a table on pages 141-142 of the s42A Report. Two submission points were in support and one was opposed and sought the rule be deleted. The remainder sought amendments. The further submissions opposed an amendment.
520. Thirty-one submission points and two further submissions received on **Rule CE-R19** were summarised in a table on pages 142-144 of the s42A Report. Nine were in support and 22 sought amendments. The two further submissions opposed some amendments.

Section 42A Report

Rule CE - R12

521. Ms Easton acknowledged the submissions²⁰¹ in support of the rule as notified. The Panel notes some of these submitters also sought amendments and therefore were not in support.
522. Thirteen submissions²⁰² sought for the rule to be amended²⁰¹ to be more enabling of development because they considered it was too restrictive. Ms Easton did not support these submissions, noting natural hazard protection structures can have significant adverse effects on natural character values, public access and biodiversity values, such as movement or nesting of coastal bird species. She noted that because of this the controlled activity rule was proposed to only apply in specific circumstances where the protection works were to protect the roading network or critical infrastructure; or to construct the Westport coastal and flood hazard protection works (which could affect HCNC 52 Orowaiti Lagoon).
523. Waka Kotahi NZTA (S450.144) and GDC (S608.659) sought the advice note be corrected to refer to CE-12. Ms Easton did not support these submission points as she recommended the advice note was deleted. She considered all relevant Plan rules should be assessed as part of any resource consent process. However, she supported GDC in part in terms of supporting

²⁰⁰ RMA Schedule 1, clause 16(2)

²⁰¹ Te Mana Ora (S190.490), Leonie Avery (S507.067), Jared Avery (S508.067), Kyle Avery (S509.067), Avery Bros (S510.067), Bradshaw Farms (S511.067), Paul Avery (S512.067), Brett Avery (S513.067), Avery Brothers (S609.059), Westpower Limited (S547.439), Buller District Council (S538.299)

²⁰² Peter Langford (S615.102), Karamea Lime Company (S614.102), Catherine Smart-Simpson (S564.080), Geoff Volckman (S563.069), Leonie Avery (S507.100), Jared Avery (S508.100), Kyle Avery (S509.100), Avery Bros (S510.100), Bradshaw Farms (S511.100), Paul Avery (S512.100), Brett Avery (S513.100), Neil Mouat (S535.050), Steve Croasdale (S516.078)

amendment the rule title to refer to not meeting permitted activity standards because this was consistent with other rule headings.

524. Forest and Bird (S560.301) sought for the rule to apply to the whole coastal environment, rather than just the HCNC overlay and Outstanding Coastal Environment Area. Ms Easton did not support this submission, noting that her recommendations were consistent with s42A Reports on other chapters that sought to manage the adverse effects of the structures commensurate with the values of their locations, recognising that some parts of the coastal environment were highly modified.
525. The Director General (S602.158) sought a restricted discretionary activity status to apply to all coastal protection works in these locations, along with additional matters of discretion. Ms Easton considered this would have the effect of combining this rule with Rule CE-17. The Director also sought the earthworks advice note be deleted. Ms Easton supported this submission in part and considered a controlled activity status was not appropriate because consent could not be declined. She also considered a restricted discretionary activity status was consistent with her recommendations in the s42A Report about how these activities were managed within the natural features and landscape chapter. Ms Easton considered it was appropriate to retain clause (2), on the basis that the discretionary activity status under CE-R19 was appropriate for natural hazard mitigation structures that were not required to protect the state highway. She supported the proposed amendment to the matter of discretion around indigenous vegetation and habitats and considered this was consistent with the direction in higher order documents. She noted natural character was already included in the matters of discretion and amenity values were addressed in matter (h). She considered historic heritage could be included in matter (f). She did not support an additional matter relating to avoiding hard protection structures as she considered this would go beyond the direction provided in the NZCPS or WCRPS on this matter.
526. Snodgrass Road submitters (S619.047) sought an additional matter of control '*Effects on the flood hazard at properties not protected by the works*'. Ms Easton supported this submission in part, acknowledging that protection structures could deflect hazards onto other land. She recommended an additional matter '*Effects on the level of hazard risk created by the structure on other properties*'.
527. Ms Easton supported a submission point from Poutini Ngāi Tahu (S620.206) that sought an additional matter of control for effects on archaeological sites.
528. Ms Easton did not support a submission point from Forest and Bird (S560.0585 and S560.0586) that sought several changes to the rule, including that it: become an escalation rule for non-compliance with rules CE-R6 and CE-R9; only relate to existing lawfully established activities; not apply to the Westport protection scheme; and include additional matters of control. Ms Easton considered these changes would substantially change the way natural hazard protection structures were managed, but considered her recommended changes provide some relief to the issues of concern to this submitter.
529. Ms Easton supported a submission point from Forest and Bird (S560.0587) that sought that Advice Notes (1) and (2) be deleted, noting that all relevant Plan rules should be assessed in any resource consent application and confirming that Advice Note (2) had been attached to this rule in error.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

530. Ms Easton acknowledged the submissions from Te Mana Ora (S190.495) and BDC (S538.304) in support of the rule as notified.
531. Sixteen submissions²⁰³ considered the rule too restrictive and sought that it be amended to be more enabling of development. Ms Easton did not support these submissions for the same reasons given in her comments on other rules in relation to high and outstanding natural character areas.
532. The Director General (S602.162) sought to delete the rule as a consequential amendment to its submission on Rule CE-12. Ms Easton supported this submission because she supported their submission on Rule CE-R12. She noted that because of her recommendation to delete this rule, she had considered the remaining submission points in relation to CE-R12.
533. Westpower (S547.448) sought additional matters of discretion be included in the rule relating to the benefits of the activity and the technical, locational, functional or operational constraints and/or requirements of the activity. Buller Conservation Group (S552.134) and Frida Inta (S553.134) also sought an additional matter of discretion *'there is a functional need to be located in that area'*. Ms Easton did not support these submissions, noting that coastal protection works by definition have a functional need to locate in the coastal environment. She did not see *'benefits of the activity'* to be relevant in the context of the direction given in higher order documents.
534. Forest and Bird (S560.306) sought to amend the rule to apply across the coastal environment as an escalation rule from CE-R12 with substantial amendments. They sought that the rule only applied to lawfully established structures and for additional matters of discretion to be included. Ms Easton did not support this submission as she considered it would substantially change how natural hazard mitigation structures are managed. She noted she had taken care to recommend amendments that reflected the values of different parts of the coastal environment. She considered that some of her recommended amendments may provide relief to this submitter's concerns.

Rule CE-R19

535. Ms Easton identified that the rule title included an error, and should refer to CE-R12, not CE-R11. She noted GDC (S608.664) sought to correct this error and she supported this submission point.
536. Ms Easton acknowledged submissions²⁰⁴ in support of the rule as notified. The Panel notes some of these submitters also sought amendments and therefore were not in support.
537. Ms Easton did not support the submission²⁰⁵ that sought the rule be amended to be more enabling, noting that her comments on other similar submissions also applied here.
538. Ms Easton did not support a submission from Westpower (S547.452) that sought to amend clause (1) to refer to the values *'together'* making the site outstanding. She acknowledged this

²⁰³ Peter Langford (S615.105), Karamea Lime Company (S614.105), Catherine Smart-Simpson (S564.084), Geoff Volckman (S563.073), Leonie Avery (S507.104), Jared Avery (S508.104), Kyle Avery (S509.104), Avery Bros (S510.104), Bradshaw Farms (S511.104), Paul Avery (S512.104), Brett Avery (S513.104), Neil Mouat (S535.054), Steve Croasdale (S516.082) Chris J Coll Surveying Limited (S566.300), William McLaughlin (S567.363)

²⁰⁴ Te Mana Ors (S190.497), Buller District Council (S538.306), Leonie Avery (S507.068), Jared Avery (S508.068), Kyle Avery (S509.068), Avery Bros (S510.068), Bradshaw Farms (S511.068), Paul Avery (S512.068), Brett Avery (S513.068), Avery Brother (S609.060)

²⁰⁵ Peter Langford (S615.107), Karamea Lime Company (S614.107), Catherine Smart-Simpson (S564.086), Geoff Volckman (S563.075), Leonie Avery (S507.106), Jared Avery (S508.106), Kyle Avery (S509.106), Avery Bros (S510.106), Bradshaw Farms (S511.106), Paul Avery (S512.106), Brett Avery (S513.106), Neil Mouat (S535.056), Steve Croasdale (S516.084)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

phrase was used in the policy context, but considered that it would reduce the clarity of the rule.

539. Forest and Bird (S560.308 and S560.0561)) sought that the rule be linked as an escalation rule for CE-R17 and apply to all new natural hazard mitigation structures in the coastal environment as a consequence of amendments to other rules. Ms Easton did not support this for this for reasons already outlined in relation to the permitted activity rules. The submitter also sought an escalation to a prohibited activity status if there was an adverse effect on an outstanding natural feature. Ms Easton did not support this part of the submission point and considered there were circumstances where application for resource consent should be provided for, which may involve damage to some value on an outstanding natural feature.
540. GDC (S608.081) sought the limited notification clause be changed to a written approval clause. Ms Easton supported this submission, noting that limited notification clauses were no longer provided for in the RMA.

Hearing and Submitter Evidence/Statement

541. The letter from Poutini Ngāi Tahu supported the s42A Report recommendations on CE-R12, noting that, while their submission was limited to consideration of archaeological sites, the change in the activity status would provide the ability for consent to be declined if effects were inappropriate.
542. Mr Brass, for Director General, considered the s42A Report generally adopted the intent of the submissions and he confirmed he was comfortable with the overall approach with one exception. He noted a new matter of discretion relating to scheduled heritage items had been recommended and considered this matter should apply to *'heritage values'* to allow consideration of unscheduled heritage items that may be identified during a consent process, which require protection under s6(f) the RMA. He therefore requested the words *'items identified in schedule one'* was deleted from this matter of discretion. He also noted this was consistent with the matters of discretion for rules CE-R14, CE-R15, CE-RXX and CE-R18.
543. The letter from Transpower confirmed it accepted the recommendation on Rule CE-R22.
544. Mr Kennedy, for Westpower, considered that CE-R12 should provide a controlled activity status for regionally significant infrastructure as originally proposed. While he did not agree with the controlled activity status being removed, considering this could lead to hazard mitigation structures not being able to be established and associated services impacted or lost. He noted further matters of discretion should be added relating to the benefits of the work, of the effects on RSI from not undertaking the work, and the functional and operational requirements of RSI. He continued to seek that CE-R19(1) be amended to refer to *'values which together make it outstanding'*.

Reporting Officer Evidence in Reply

545. In Reply Evidence Ms Easton considered the matters of discretion for Rule CE-R12 could be rationalised and clauses (g) and (i) could be replaced by a single matter *'landscape and visual effects including design and location of any buildings, structures or earthworks'* consistent with the recommendation on rules CE-R14 and CE-R15.
546. In response to heritage values issue raised in Mr Brass' evidence, Ms Easton considered *'historic heritage'* to be the appropriate reference, for consistency with rules CE-R14 and CE-R15. She noted this amendment should address Mr Brass' concerns. She also recommended

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

a similar amendment to the assessment criteria in rules CE-R14, CE-R15, CE-R18 and CE-RXX to *'The effects on Poutini Ngāi Tahu values; any archaeological sites, historic heritage or on any Site and Areas of Significance to Māori identified in Schedule Three'*.

547. Ms Easton provided a s32AA analysis for the change to a restricted discretionary activity status for rule CE-R12. She noted that CE-R12 related to natural hazard mitigation structures in high natural character and outstanding environment areas. She advised that under the recommended amendments, the rule did not apply to the Westport Flood control scheme, which was now designed and did not affect high natural character or outstanding environment areas, but would apply to the coastal state highway, special purpose roads and critical infrastructure.
548. Ms Easton considered that a restricted discretionary activity status ensured the Plan gives effect to the NZCPS, which sets a clear direction that adverse effects on outstanding natural character areas should be avoided, and significant effects on other natural character areas should be avoided. She reiterated the WCRPS had a similar direction. She noted that, as a controlled activity, consent must be granted and she considered it was possible that activities undertaken under this rule could have adverse effects on these areas.
549. Ms Easton considered her recommended amendments better met the direction in s6 of the RMA and were more effective in implanting the Plan objectives, particularly Objective O1 which is: *'To preserve the natural character, landscapes, natural features, coastal processes, ecosystems and biodiversity of the coastal environment and protect these values from inappropriate subdivision, use and development while enabling people and communities to provide for their social, economic and cultural wellbeing'*. Overall, she concluded the recommended change was more effective at implementing the direction provided by the RMA, NZCPS, WCRPS and the objectives of the Plan.
550. Ms Easton's cost/benefit analysis considered that while a restricted discretionary consent could be declined, the matters of discretion were clear. She considered there would be little difference in cost in developing a resource consent application for a controlled or restricted discretionary activity, although she considered the restricted discretionary activity status may result in additional costs for applicants. She considered this may result from applicants being directed towards lower impact design options and from consent conditions. She considered the higher activity status would provide benefits to the community as it would provide confidence that that the areas of high and outstanding natural character, and outstanding landscape within the coastal environment and the aesthetic, cultural and sense of place values provided by these valued areas is more likely to be retained. She concluded that the benefits of the change outweighed the costs.
551. Ms Easton considered there was certain and sufficient information about the effect of the change, the effect of the activity statuses was known, and the matters of discretion were similar to the notified matters of control. She noted that the increase in erosion and threats to the state highway had been significant in the last few years, resulting in some degradation of natural character and landscape values, particularly in Punakaiki where rock protection work had been built to protect the state highway. She also noted substantial rock work had been installed at Bruce Bay and that both these structures had been constructed as permitted activities under the operative plans and did not provide significant landscape or natural character mitigation. She noted there had been wildlife impacts, including on penguin access to nesting areas. She considered further mitigation works would be required, given the erosive nature of the coastline, and that if the natural character and landscapes of the coast were to

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

be protected and significant effects avoided, there was a risk of not acting and retaining the controlled activity status.

552. Ms Easton concluded that the recommended amendment was more appropriate in achieving the purpose of the RMA than the notified version of the TTPP.
553. The Panel queried whether rules CE-R19 and CE-R20 should be non-complying. In response, Ms Easton considered there was little scope to amend CE-R19 because no submitters sought a change in the activity status of this rule. She considered relying on general submissions to be consistent with NZCPS did not provide sufficient scope for this change.
554. Ms Easton noted that Forest and Bird requested CE-R20 be a non-complying activity. She noted NZCPS Policy 15 required adverse effects on ONL in the coastal environment be avoided and that the WCRPS Chapter 9, Policy 1(b) had a similar provision. Ms Easton noted that making these rules non-complying would require a supporting policy framework. Based on the evidence received, she did not support this approach.
555. Ms Easton agreed that afforestation within high or outstanding natural areas could result in adverse effects, and that vegetation clearance would require a discretionary activity resource consent under the ECO Chapter rules. She noted that within any SNA, afforestation would be a non-complying activity if it included indigenous vegetation clearance. She considered the existing rules provided a combined framework across the two chapters that enabled afforestation to be properly assessed.
556. In relation to Rule CE-R20, she noted her s42A Report recommendation was to amend the reference to *'Plantation Forestry'* as a clause 16 minor amendment. However, since the hearing she had reflected on this further and considered it was unlikely to meet the threshold, and therefore recommended the rule remain as applying to plantation forestry. These matters are further discussed in the section specific to Rule CE-R20.

Hearing Panel's Evaluation

Rule CE – R12

557. The Panel accepts Ms Easton's reasoning and recommended amendments to Rule CE-R12, as shown in Appendix 1 of the Right of Reply, subject to the minor amendments discussed below. The Panel accepts these amendments give effect to the NZCPS and WCRPS.
558. The Panel agrees with Ms Easton's reasoning for amending the activity status from controlled to restricted discretionary to ensure the higher order statutory direction can be given effect to in relation to avoiding adverse effects on areas of outstanding and high natural character. We also agree with Ms Easton's s32AA evaluation of the change in the activity status from controlled to restricted discretionary.
559. The Panel agrees with Ms Easton that RSI activities that do not meet the permitted activity standards should be considered as a restricted discretionary activity to ensure the higher order statutory direction can be given effect to, and if necessary, consent declined when adverse effects on outstanding natural character cannot be appropriately avoided. We consider the rule appropriately provides a restricted discretionary pathway for the protection of coastal state highways, special purpose roads and RSI within outstanding natural character areas and other activities within high natural character areas.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai**

560. The Panel recommends replacing ‘*Critical Infrastructure*’ with ‘*Regionally Significant Infrastructure*’ in line with our recommendation for Plan-wide amendments.

561. The Panel recommends adding ‘*to and along the coast*’ in clause (j) to give effect to NZCPS Policy 19. We consider the submissions on the whole chapter seeking alignment with the NZCPS provide scope for this amendment.

Rule CE – R17

562. The Panel accepts Ms Easton’s recommendation to delete Rule CE-R17, as shown in Appendix 1 of the s42A Report, for the reason outlined in her s42A Report.

Rule CE – R19

563. The Panel accepts Ms Easton’s reasoning and recommended amendments to Rule CE-R19, as shown in Appendix 1 of the s42A Report. The Panel accepts these amendments give effect to the NZCPS and WCRPS. However, we have also recommended amendment to the notification clause to be consistent with other similar amendments to limited notification clauses Plan-wide because as notified this was *ultra vires*.

Hearing Panel’s Recommendation

564. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend changes to the **Coastal Environment Rules** as follows:

CE-R12 Natural Hazard Mitigation Structures and associated Earthworks ~~in the Coastal Environment in the~~²⁰⁶ High Coastal Natural Character Overlay Area ~~identified in Schedule Seven and the Outstanding Coastal Environment Area not provided for as a meeting Permitted Activity standards~~²⁰⁷

~~Activity Status Controlled~~ Restricted Discretionary²⁰⁸

Where:

1. **Within the Outstanding Coastal Environment Area** ~~These~~ are **only** to protect the coastal State Highway, Special Purpose Roads or other ~~Critical~~ **Regionally Significant**²⁰⁹ Infrastructure;
2. ~~These are Westport flood and coastal protection works constructed by a statutory agency or its authorised contractor.~~²¹⁰

~~Matters of control are~~ Discretion is restricted to:

- a. Effects on ~~habitats of any threatened or protected flora or fauna species;~~ **indigenous vegetation and habitats of indigenous fauna;**²¹¹
- b. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;

²⁰⁶ RMA First Schedule, Clause 16

²⁰⁷ Grey District Council S608.659

²⁰⁸ Director General of Conservation S602.152 and S602.158

²⁰⁹ Consequential Plan-wide amendment

²¹⁰ Director General of Conservation S602.158

²¹¹ Director General of Conservation S602.158

- c. Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;
- d. Effects on the intrinsic values of ecosystems;
- e. Effects on recreational values of public land;
- f. Effects on Poutini Ngāi Tahu values, **any archaeological sites,**²¹² **historic heritage or**²¹³ **any Sites and Areas of Significance to Māori identified in Schedule Three;**
- g. Landscape and visual effects, **including design and location of any buildings, structures or earthworks,**²¹⁴
- h. Effects on natural character and natural features;
- i. ~~Location, dimensions and appearance of the structure;~~²¹⁵
- j. Effects on public access to **and along**²¹⁶ **the coast;** **and**²¹⁷
- k. **Effects on the level of hazard risk created by the structure on other properties.**²¹⁸

Advice Note:

- 1. ~~The rules in the Earthworks Chapter do not apply to Controlled Activities under Rule CE-R11.~~²¹⁹
- 2. ~~This rule also applies to plantation forestry activities where this provision is more stringent than the NES-PF.~~²²⁰

Activity status where compliance not achieved:

~~Restricted Discretionary except~~

~~Discretionary where these are within the Outstanding Coastal Environment Area~~²²¹

~~CE-R17 Natural Hazard Mitigation Structures and Activities in the High Coastal Natural Character Overlay not meeting Controlled Activity Standards~~

~~Activity Status Restricted Discretionary~~

~~Where:~~

- 1. ~~These are not within the Outstanding Coastal Environment Area.~~

~~Discretion is restricted to:~~

- a. ~~Any requirements for landscape evaluation;~~
- b. ~~Effects on habitats of any threatened or protected species;~~
- c. ~~Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;~~
- d. ~~The extent to which the site is visible from a road or public place;~~

²¹² Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio S620.206

²¹³ Director General of Conservation S602.158

²¹⁴ Director General of Conservation S602.158

²¹⁵ Consequential amendment Director General of Conservation S602.158

²¹⁶ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.281 and S560.002, John Caygill S290.006, Riarne Klempel S296.006

²¹⁷ RMA Schedule 1, clause 16(2)

²¹⁸ Snodgrass Road submitters S619.047

²¹⁹ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0586, Director General of Conservation S602.158

²²⁰ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0586

²²¹ Director General of Conservation S602.158

- e. ~~Any effects on the natural character of the coast;~~
- f. ~~The effects on potential or current public access to the coast;~~
- g. ~~The effects on Poutini Ngāi Tahu values;~~
- h. ~~Design and location of any buildings, structures or earthworks;~~
- i. ~~Volume and area of earthworks;~~
- j. ~~Area and location of indigenous vegetation clearance; and~~
- k. ~~Landscape measures.~~

~~Activity status where compliance not achieved:~~ Discretionary²²²

CE - R19 Earthworks within the Outstanding Coastal Environment Area not provided for as a Permitted Activity

Activity Status Discretionary

Where:

1. These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding; except
2. Where a written report of a suitably qualified natural hazards professional identifies that the Outstanding Natural Feature is a severe risk to people or property.

Notification:

~~When making notification decisions in relation to a~~Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding ~~the Council will consult with always be Limited Notified to the Geosciences Society of New Zealand and may be publicly notified.~~²²³

Advice Note:

When assessing resource consents for natural hazard mitigation activities under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes **objectives and**²²⁴ policies will be required.

~~Activity status where compliance not achieved:~~ Non-complying

Rules relating to Buildings, Structures and Earthworks

Submissions and Further Submissions

565. Twenty-three submission points and three further submissions received on **Rule CE-R15** were summarised in a table on pages 148-150 of the s42A Report. One submission was in support and the remainder sought amendments. Two further submissions opposed some of the amendments and one supported an amendment.

²²² Director General of Conservation S602.162

²²³ Grey District Council S608.659

²²⁴ RMA Schedule 1, clause 16(2)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

566. Twenty-eight submission points and two further submissions received on **Rule CE-R16** were summarised in a table on pages 150-152 of the s42A report. One submission was in support, one sought the rule be deleted and the remainder sought amendments. The two further submissions opposed two of the amendments.
567. Thirty submission points and one further submission received on **Rule CE-R18** were summarised in a table on pages 152-155 of the s42A Report. Two submissions were in support and the remainder sought amendments. The further submissions opposed an amendment.
568. Nineteen submission points and one further submission received on **Rule CE-R21** were summarised in a table on pages 155-156 of the s42A Report. Two were in support and the remainder sought amendments. The further submissions opposed an amendment.

Section 42A Report

Rule CE - R15

569. Ms Easton acknowledged the submissions from Te Mana Ora (\$190.493) and BDC (\$538.302) in support of the rule as notified.
570. Ms Easton did not support submissions²²⁵ that sought to amend the rule to be more enabling of development because they considered it was too restrictive. She noted the rule allowed for buildings, structures and earthworks within areas of High Coastal Natural Character to be assessed against a number of relevant matters of discretion. She highlighted there was no escalation rule, and these activities would all be considered as a restricted discretionary activity. Given the significance of these areas in the coastal environment, she did not consider the rule was excessively restrictive and in her opinion, it provided a reasonable pathway for new use and development to be considered.
571. Ms Easton did not support a submission point from Westpower (\$547.547.442) that sought a new matter of discretion '*the benefits arising from the proposed activity.*' She did not consider benefits to be a relevant matter within the context of the direction provided by higher order documents.
572. Ms Easton supported in part a submission point from Westpower (\$547.443) that sought seeking a new matter of discretion '*the technical, locational, functional or operational constraints and/or requirements of the activity.*' She supported the addition of a matter relating to functional need and operational need because this was consistent with Policy CE-P5, and the approach taken around using definitions from the Planning Standards.
573. Ms Easton did not support a submission point from Forest and Bird (\$560.304) that sought that rules CE-R14 and R15 be combined. She noted that CE-R15 also regulated earthworks, which were not addressed in CE-R14 or within the coastal environment rules outside of the Outstanding Coastal Environment Area and High Natural Character Overlay. She noted that Forest and Bird had sought wider regulation of earthworks in other submission points, that she had also not recommended accepting.

²²⁵ Peter Langford (\$615.104), Karamea Lime Company (\$614.104), Catherine Smart-Simpson (\$564.082), Geoff Volckman (\$563.071), Leonie Avery (\$507.102), Jared Avery (\$508.102), Kyle Avery (\$509.102), Avery Bros (\$510.102), Bradshaw Farms (\$511.102), Paul Avery (\$512.102), Brett Avery (\$513.102), Steve Croasdale (\$516.080) Chris J Coll Surveying Limited (\$566.297-298), William McLaughlin (\$567.360-361), Chris and Jan Coll (\$558.297-298)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

574. The Director General (S602.160) sought amendments and additions to the matters of discretion which Ms Easton supported in part, consistent with other amendments she recommended in relation to other restricted discretionary activity rules. She also noted that the advice note in relation to Plantation Forestry Activities had been incorrectly applied to this rule and recommended its deletion as an amendment under RMA Schedule 1, clause 16.
575. GDC (S608.662) sought reference to the activity status where the rule was not met. Ms Easton did not support this because she noted there was no escalation rule and the notified rule stated that the activity status where compliance is not achieved was 'N/A'.

Rule CE - R16

576. Ms Easton acknowledged the submissions from Te Mana Ora (S190.494) and BDC (S538.303) in support of the rule as notified.
577. Fourteen submissions²²⁶ sought the rule be amended to be more enabling of development because they considered the rule was too restrictive. Russell and Joanne Smith (S477.017 and S477.018), Tim Macfarlane (S482.017 and S482.018), Claire & John West (S506.017 and S506.018), Lauren Nyhan and Anthony Phillips (S533.017 and S553.018), Stewart & Catherine Nimmo (S559.017 and S559.018), Joel and Jennifer Watkins (S565.029) and Tim and Phaedra Robins (S579.026) sought the matters of discretion be removed where existing subdivisions were in place, except those relating to landscape and amenity values.
578. Ms Easton did not support these submission points. She noted that the Outstanding Coastal Environment Area represented the most significant coastal natural landscapes and areas of coastal natural character on the West Coast and had the highest level of protection associated with them. She highlighted there was very little development within these areas and considered that the direction in s6 of the RMA, Policies 13 and 15 of the NZCPS and Policy 1(b) of Chapter 9 of the WCRPS set a clear expectation that the permitted activities in these areas would be limited to those that were not likely to lead to adverse effects – not just significant adverse effects. For these reasons, she considered the rule was careful to ensure any activities provided for did not result in degradation of outstanding landscape, biodiversity or natural character values.
579. Westpower (S547.444) sought additional activities be provided for within the rule, including a network utility, energy activity, critical infrastructure or electricity generation activity; and two additional matters of discretion. Ms Easton did not support this submission point. She considered the direction in the WCRPS around outstanding areas provided for National Grid (Chapter 9, Policy 2) and renewable electricity generation only (Chapter 9, Policy 4), not the wider activities sought in the submission point.
580. Buller Conservation Group (S552.133), Frida Inta (S553.133) and Forest and Bird (S560.305) sought the rule be amended to a discretionary activity by combining it with CE-R21. The Director General (S602.161) sought to delete the rule entirely. Ms Easton supported these submissions in that she considered these activities should be a discretionary activity. She noted that the equivalent rule in the Natural Features and Landscape Chapter was a restricted discretionary activity, but noted the direction in the NZCPS and WCRPS was stronger than that for wider ONFL. She agreed with the submitters that a discretionary activity status was more

²²⁶ Catherine Smart-Simpson (S564.083), Geoff Volckman (S563.072), Leonie Avery (S507.103), Jared Avery (S508.103), Kyle Avery (S509.103), Avery Bros (S510.103), Bradshaw Farms (S511.103), Paul Avery (S512.103), Brett Avery (S513.103), Steve Croasdale (S516.081) Chris J Coll Surveying Limited (S566.299), William McLaughlin (S567.362), Chris and Jan Coll (S558.299), Neil Mouat (S534.053)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

appropriate and noted this had a consequential effect on Rule CE-R21 and required an escalation rule where performance standards were not met. She therefore recommended adding new Rule CE-R22A for *'Buildings and Structures in the Outstanding Coastal Environment Area not meeting Permitted or Discretionary Activity Rules'*.

581. Ms Easton also considered a consequential amendment to the recommended change to Rule CE-R8 was appropriate, to use the term *'lawfully established'* rather than *'existing'*.

Rule CE - R18

582. Ms Easton acknowledged the submissions from Te Mana Ora (\$190.496) and BDC (\$538.305) in support of the rule as notified.

583. Ms Easton did not support submissions²²⁷ that sought to amend the rule to be more enabling of development, as they consider it too restrictive. This included submission points from Joel and Jennifer Watkins (\$565.030) and Tim and Phaedra Robins (579.027) that sought that all matters of discretion were removed where existing subdivisions were in place, except those relating to landscape and amenity values. Ms Easton noted the Outstanding Coastal Environment Area represented the most significant coastal natural landscapes and areas of coastal natural character on the West Coast and considered they had the highest level of protection associated with them. She noted that there was very little development within these areas, and considered that the direction in s6 of the RMA, Policies 13 and 15 of the NZCPS and Chapter 9, Policy 1(b) of the WCRPS set a clear expectation that the permitted activities in these areas would be limited to those that were not likely to lead to adverse effects – not just significant adverse effects. For this reason, she considered this rule was very careful to ensure any activities provided for do not result in the degradation of these outstanding landscape, biodiversity or natural character values.

584. Westpower (\$547.499) sought the rule apply to the installation of energy activity infrastructure and critical infrastructure, and two additional matters of discretion be added relating to *'the benefits arising from the proposed activity'* and the *'technical, locational, functional or operational constraints and/or requirements of the activity.'* Ms Easton did not support these submission points. She considered that expanding the range of activities the rule applied to did not meet the clear direction in the WCRPS around what activities were appropriate in outstanding areas. She noted that her reasons for not recommending a matter of discretion relating to benefits was the same as given in relation to similar submissions. She also noted that Chapter 9, Policy 2(2) of the WCRPS only recognised consideration of technical and operational constraints in relation to the National Grid within outstanding natural features and landscapes.

585. Forest and Bird (\$560.307) sought the rule be combined to cover both earthworks and buildings and structures. Ms Easton did not support this submission, noting the framework of managing earthworks and buildings and structures was similar across the NFL Chapter and CE Chapter; and that managing these activities under separate rules was a common approach in other recent district plans.

586. The Director General (\$602.163) sought several changes to the matters of discretion, which Ms Easton supported in part, consistent with other recommendations on similar points. The

²²⁷ Catherine Smart-Simpson (\$564.085), Geoff Volckman (\$563.074), Leonie Avery (507.105), Jared Avery (\$508.105), Kyle Avery (\$509.105), Avery Bros (\$510.105), Bradshaw Farms (\$511.105), Paul Avery (\$512.105), Brett Avery (\$513.105), Steve Croasdale (\$516.083) Chris J Coll Surveying Limited (\$566.301), William McLaughlin (\$567.364), Chris and Jan Coll (\$558.301), Neil Mouat (\$534.055)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

Director sought changes to the rule to include assessment on natural character, natural features and natural landscapes, and to address the scale of earthworks through the assessment process rather than as a standard within the rule. She also supported this part of the submission in part. She agreed with deleting clause (2) and recommended the assessment criteria be amended, but with different wording using phrasing consistent with the rest of the Plan.

587. Ms Easton supported a submission from GDC (S608.663) that sought that the title for the rule be reworded to be consistent with other plan rules.
588. Forest and Bird (S560.0570) sought the rule be amended so that clause (1)(iv) only applied to sites with no existing buildings at the date the plan was notified. Ms Easton did not support this submission point as the rules were not in effect when the plan was notified, and subdivision to create additional lots may have occurred, including through ‘bonus lot’ provisions under the ECO Chapter rules. She considered it was appropriate for the rule to provide a consenting pathway for lawfully established allotments to have a residential dwelling constructed on them, and considered that a restricted discretionary activity status was appropriate for this activity.
589. Forest and Bird (S560.0571) sought to delete clause (2), which Ms Easton supported for the same reasons she supported the Director General’s submission seeking the same relief.
590. Forest and Bird (S560.0572) also sought additional matters of discretion ‘*The location of the activity on the site*’; and ‘*Whether the site includes significant natural area on applying the WCRPS Appendix 1 criteria and effects on the values in that area(s)*’. Ms Easton did not support this submission point, considering that these matters were sufficiently addressed within the existing matters of discretion (g), (d) and (e) in a way that was consistent with the language of the NZCPS and WCRPS.

Rule CE - R21

591. Ms Easton noted that consequential amendments were needed to Rule CE-R21 as a result of the recommended amendments to Rule CE-R16, so that Rule CE-R21 was not a duplication of CE-R16. She considered that because Rule CE-R16 addressed buildings and structures, Rule CE-R21 should be for earthworks only, as the escalation rule for CE-R18. She considered the rule should not apply within the HNC overlay, as the rule cascade for that overlay ends at Rule CE-R15. She noted the submissions on the rule were considered in this context.
592. Ms Easton acknowledged the submissions from Te Mana Ora (S190.499) and BDC (S538.308) in support of the rule as notified.
593. Ms Easton did not support submissions²²⁸ that sought the rule be amended to be more enabling of development because they considered it was too restrictive. She noted the Outstanding Coastal Environment Area represented the most significant coastal natural landscapes and areas of coastal natural character on the West Coast and considered they had the highest level of protection associated with them. She noted there was very little development within these areas, and considered that the direction in s6 of the RMA, Policies 13 and 15 of the NZCPS and Chapter 9, Policy 1(b) of the WCRPS sets a clear expectation that

²²⁸ John Brazil (S360.043), Catherine Smart-Simpson (S564.087), Geoff Volckman (S563.076), Leonie Avery (S07.107), Jared Avery (S508.107), Kyle Avery (S509.107), Avery Bros (S510.107), Bradshaw Farms (S511.107), Avery Brother (S609.087), Paul Avery (S512.107), Brett Avery (S513.107), Steve Croasdale (S516.0850), Neil Mouat (S534.055), Geoff Volckman (S563.076), Peter Langford (S615.108)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

the permitted activities in these areas would be limited to those that were not likely to lead to adverse effects – not just significant adverse effects. For this reason, she considered this rule was very careful to ensure any activities provided for do not result in the degradation of these outstanding landscape, biodiversity or natural character values.

594. Ms Easton did not support a submission from Westpower (S547.453) that sought to amend clause (1) to refer to the values *'which together'* making the site outstanding. She acknowledged this phrase was used in the policy context, but considered that it would reduce the clarity of the rule and therefore was not appropriate for a performance standard.
595. Forest and Bird (S560.310) sought the rule be amended to non-complying. Ms Easton did not support this submission point because she considered it would have the effect of making most earthworks within the Outstanding Coastal Environment Area non-complying. She considered there could be earthworks that were consistent with the objectives and policies of the plan outside of what was provided for within CE-R15 and that a non-complying activity status for these activities would be inappropriate.

Hearing and Submitter Evidence/Statements

596. Mr Brass, for the Director General, noted that the s42A Report recommendations on these rules largely adopted the intent of the submission. He noted he was broadly supportive of the recommendations, but considered there was a gap in the matters of discretion in terms of biodiversity values. He noted that Rule CE-R12 included four matters of discretion (a)-(d) relating to biodiversity values, but rule CE-R15 and CE-R18 only included two of these matters. He did not see why buildings, structures and earthworks would not affect ecological functioning, life supporting capacity or intrinsic values of ecosystems, nor could he see why the range of effects from natural hazard mitigation structures would be materially different from the effects of other structures and earthworks. He therefore considered CE-R12 matters (c) and (d) should be included in rules CE-R15 and CE-R18 to improve certainty and consistency and give effect to s31(1)(b)(iii) of the RMA and Chapter 7 of the WCRPS.
597. Mr Kennedy, for Westpower, agreed with the s42A Report recommendations on Rule CE-R15, except that he sought an additional matter of discretion *'the benefits arising from the activity'*. He noted that Method 2 of Chapter 6 – RSI of the WCRPS seeks that district plan rules recognise the benefits of RSI. He also noted that functional and operational need was proposed to be included in the matters of discretion and agreed with that outcome.
598. In relation to CE-R16, Mr Kennedy was unclear on the applicable activity status and cross referencing of rules. He noted that rules CE-R8 and CE-R18 were shown as moving to restricted discretionary activity status where compliance was not achieved, and he queried whether upgrading was proposed to be a non-complying activity. He was concerned that the upgrading /minor upgrading issue remained unresolved and the impact of the approach on the community. He considered a restricted activity consent category appropriate for regionally significant infrastructure and was concerned that elements of RSI could be a non-complying activity under proposed Rule 22A, particularly given the provisions of the RPS in relation to such activities. He did not consider this was appropriate outcome. He sought clause (3)(i) be amended to reference regionally significant infrastructure. In the event that a restricted discretionary category was reinstated, he considered the additional matters of discretion sought in the Westpower submission were appropriate.
599. Mr Kennedy continued to seek amendments to CE-R18 as follows:

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai**

- (a) Add reference to “*regionally significant infrastructure*” in clause (1)(iii).
- (b) Add an assessment matter relating to the benefits arising from the proposed activity.
- (c) Add an assessment matter regarding functional and operational need.

600. Mr Kennedy continued to seek that CE-R21(1) be reworded to ‘*the values which **together** make it outstanding...*’

601. Mr Kennedy noted his concerns with the non-complying activity status under new rule CE-R22A applied to regionally significant infrastructure given its strategic function. He noted he had discussed this matter in relation to CE-R16, from where this rule originated.

Reporting Officer Evidence in Reply

602. Ms Easton considered that Rule CE-R18 matters of discretion (g) and (h) overlapped and could be consolidated to ‘*design, location and area of earthworks.*’

603. In relation to CE-R21, Ms Easton considered the threshold for a discretionary consent was very low, as any earthworks to establish a new activity not listed in CE-R18 would require consent, including small scale activities that would not affect outstanding values. If this rule was made non-complying, she considered a volume threshold for earthworks should still be provided for as a discretionary activity.

604. Ms Easton provided a corrected recommended version of CE-R22A as follows:

CE – R22A
Buildings and Structures in the Outstanding Coastal Environment Area not meeting Permitted or Restricted Discretionary Activity Rules
Activity Status Non-complying

Hearing Panel’s Evaluation

Rule CE – R15

605. The Panel accepts Ms Easton’s reasoning and recommended amendments to Rule CE-R15, as shown in Appendix 1 of the Right of Reply, subject to amendments discussed below. The Panel accepts these amendments give effect to the NZCPS and WCRPS. We have included ‘*to and long the coast*’, as discussed above to give effect to NZCPS Policy 19.

606. The Panel agrees with Mr Brass that the matters of discretion (c) and (d) from CE-R12 should be included in Rule CE-15, in line with our recommendation on CE-R14, to ensure these effects can be addressed and for consistency. We accept this is within the scope of the Director General’s submission point.

Rule CE – R16

607. The Panel accepts Ms Easton’s reasoning and recommended amendments to Rule CE-R16, as shown in Appendix 1 of the s42A Report. The Panel accepts these amendments give effect to the NZCPS and WCRPS.

608. The Panel is satisfied Ms Easton has undertaken a s32AA evaluation of the change from a restricted discretionary activity to a restricted activity, and the change in the default activity status to non-complying in her s42A Report (section 16). We accept her conclusion that the amended rules will be efficient and effective of in achieving the purpose of the Act and to give

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai**

effect the NZCPS and WCRPS. We agree that a non-complying activity default status is appropriate given the requirement to avoid adverse effects on outstanding natural character in the NZCPS and WCRPS. This threshold for appropriate activities will be that they have minor adverse effects or are not contrary to the relevant objective and policies.

609. The Panel agrees with Ms Easton that the WCRPS direction in relation to natural character specifically relates to the National Grid and renewable electricity generation activities and not regionally significant infrastructure.

Rule CE – R18

610. The Panel accepts Ms Easton’s reasoning and recommended amendments to Rule CE-R18, as shown in Appendix 1 of the Right of Rely. The Panel accepts these amendments give effect to the NZCPS and WCRPS.
611. The Panel agrees with Mr Brass that the matters of discretion (c) and (d) from CE-R12 should be included in Rule CE-15 and CE-R18, in line with our recommendation on CE-R14, to ensure these effects can be addressed and for consistency. We accept this is within the scope of the Director General’s submission point.

Rule CE – R21

612. The Panel accepts Ms Easton’s reasoning and recommended amendments to Rule CE-R21, as shown in Appendix 1 of the s42A Report. The Panel accepts these amendments give effect to the NZCPS and WCRPS.

New Rule CE – R22A

613. The Panel accepts Ms Easton’s reasoning and recommendation to add new Rule CE-R22A, as shown in Appendix 1 of the s42A Report.
614. The Panel is satisfied Ms Easton has undertaken a s32AA evaluation of introducing new rule CE-R22A as a consequence of her recommended amendments to Rule CE-R16 in her s42A Report (section 16). We accept her conclusion that the new rule will be efficient and effective in achieving the purpose of the Act and to give effect the NZCPS and WCRPS.

Hearing Panel’s Recommendation

615. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the changes to the **Coastal Environment Rules** as follows

CE - R15 Buildings, Structures and Earthworks within the High Coastal Natural Character Overlay not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Any requirements for landscape evaluation;
- b. The extent to which the site is visible from a road or public place;
- c. The effects on the natural character of the coast;

- d. The effects on landscape and natural features of the coast;
- e. The effects on potential or existing public access to and along²²⁹ the coast;
- f. Design and location of any buildings, structure or earthworks;
- g. Volume and area of earthworks;
- ~~h.~~ Effects on habitats of any threatened or protected flora or fauna species; **indigenous vegetation and habitats of indigenous fauna;**²³⁰
- i. Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;²³¹
- j. Effects on the intrinsic values of ecosystems;²³²
- k. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;
- l. Effects on recreational values of public land;
- m. Effects on Poutini Ngāi Tahu values, any archaeological sites,²³³ historic heritage²³⁴ and any Sites and Areas of Significance to Māori identified in Schedule Three;
- n. Landscape and visual effects; and²³⁵
- o. Location, dimensions and appearance of any structure-; and²³⁶
- p. The functional need or operational need of the activity.²³⁷

Advice Note:

1. This rule also applies to ~~plantation~~ commercial forestry activities where this provision is more stringent than the NES - PCF.²³⁸

Activity status where compliance not achieved: N/A

CE - R16 Additions to Existing lawfully established²³⁹ Buildings and New Buildings and Structures and associated Earthworks within the Outstanding Coastal Environment Area not meeting Permitted Activity Standards

Activity Status ~~Restricted~~²⁴⁰ Discretionary

Where:

1. This is an addition to an existing lawfully established²⁴¹ building or a building accessory to an existing lawfully established²⁴² building; or

²²⁹ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.281 and S560.002, John Caygill S290.006, Riarnne Klempel S296.006

²³⁰ Director General of Conservation S602.160

²³¹ Director General of Conservation S602.160

²³² Director General of Conservation S602.160

²³³ Te Rūnanga o Ngāi Tahu, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.150

²³⁴ Director General of Conservation S602.160

²³⁵ RMA Schedule 1, clause 16(2)

²³⁶ RMA Schedule 1, clause 16(2)

²³⁷ Westpower Limited S547.443

²³⁸ RMA Schedule 1, clause 16(2)

²³⁹ Consequential amendment to Rule CE-8

²⁴⁰ Director General of Conservation S602.161, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.305, Frida Inta S553.133 and Buller Conservation Group S552.133

²⁴¹ Consequential amendments from recommendations to Rule CE-8, Director General of Conservation S602.154

²⁴² Consequential amendment from recommendations to Rule CE-8, Director General of Conservation S602.154

2. The building or structure is identified on an approved subdivision plan for the site or where there is no existing residential building on the site; or
3. The building or structure is required for:
 - i. A network utility or renewable electricity generation activity;
 - ii. An agricultural pastoral or horticultural activity in a RURZ - Rural Zone;
 - iii. A conservation activity; or
 - iv. A recreational activity in any OSZ - Open Space Zone.

Discretion is restricted to:

- a. ~~Any requirements for landscape evaluation;~~
- b. ~~Effects on habitats of any threatened or protected species;~~
- c. ~~Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;~~
- d. ~~The extent to which the site is visible from a road or public place;~~
- e. ~~Any effects on the values that make the site Outstanding;~~
- f. ~~The effects on potential or current public access to the coast;~~
- g. ~~The effects on Poutini Ngāi Tahu values and Sites and Areas of Significance to Māori identified in Schedule Three;~~
- h. ~~Design and location of any buildings, structures or earthworks;~~
- i. ~~Volume and area of earthworks;~~
- j. ~~Area and location of indigenous vegetation clearance and its effects on biodiversity values;~~
- k. ~~Landscape measures; and~~
- l. ~~Where relevant, matters included within Policy NFL P6.~~²⁴³

Activity status where compliance not achieved: Discretionary Non-complying²⁴⁴

CE-R18 Earthworks within the Outstanding Coastal Environment Area not ~~provided for as a Permitted Activity~~ meeting Permitted activity standards²⁴⁵

Activity Status Restricted Discretionary

Where:

- a. These are for:
 - a. Walking/cycling tracks;
 - b. Roads, farm tracks or fences;
 - c. Installation of network utility infrastructure or renewable electricity generation activities; or
 - d. For establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site; and
- b. ~~Earthworks are the minimum required to undertake the activity.~~²⁴⁶

Discretion is restricted to:

- a. Any requirements for landscape evaluation;
- b. The extent to which the site is visible from a road or public place;

²⁴³ Director General of Conservation S602.161

²⁴⁴ Director General of Conservation S602.161

²⁴⁵ Grey District Council S608.663

²⁴⁶ Director General of Conservation S602.163, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0571

- c. Any effects on the values that make the site Outstanding;
- d. Effects on ~~habitats of any threatened or protected species~~ **indigenous vegetation and habitats of indigenous fauna**;²⁴⁷
- e. **Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems**;²⁴⁸
- f. **Effects on the intrinsic values of ecosystems**;²⁴⁹
- g. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;
- h. The effects on Poutini Ngāi Tahu values, **any archaeological sites**,²⁵⁰ **historic heritage**²⁵¹ and any Sites and Areas of Significance to Māori identified in Schedule Three;
- i. Design, and location **and area**²⁵² of any earthworks;
- ~~h. Volume and area of earthworks;~~
- j. Area and location of vegetation clearance;
- k. Landscape measures to reduce the visual effects on the values of the Outstanding Natural Landscape or Feature; ~~and~~²⁵³
- l. Where relevant, matters included within Policy NFL - P6;²
- m. **The effects on the natural character of the coastal environment; and**²⁵⁴
- n. **The effects on natural features and natural landscapes**.²⁵⁵

Advice Note:

1. This rule also applies to ~~plantation~~ **commercial** forestry activities where this provision is more stringent than the NES - **PCF**.²⁵⁶

Activity status where compliance not achieved: Discretionary

~~CE-R21 Buildings, Structures and~~²⁵⁷ **Earthworks in the High Natural Character Overlay or the Outstanding Coastal Environment not meeting Restricted Discretionary Rules²⁵⁸**

Activity Status Discretionary

Where:

1. These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding.

Advice Note:

²⁴⁷ Director General of Conservation S602.163

²⁴⁸ Director General of Conservation S602.163

²⁴⁹ Director General of Conservation S602.163

²⁵⁰ Te Rūnanga o Ngāi Tahu, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.207

²⁵¹ Director General of Conservation S602.163

²⁵² Director General of Conservation S602.163

²⁵³ RMA Schedule 1, clause 16(2)

²⁵⁴ Director General of Conservation S602.163

²⁵⁵ Director General of Conservation S602.163

²⁵⁶ RMA Schedule 1, clause 16(2)

²⁵⁷ Director General of Conservation S602.161, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.305, Frida Inta S553.133 and Buller Conservation Group S552.133

²⁵⁸ Consequential amendment to recommendation on Rule CE-R16, Director General of Conservation S602.161, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.305, Frida Inta S553.133 and Buller Conservation Group S552.133

1. When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes **objectives and**²⁵⁹ policies will be required.
2. This rule also applies to ~~plantation~~ **commercial** forestry activities where this provision is more stringent than the NES - **PCF**.²⁶⁰

Activity status where compliance not achieved: Non-complying

CE – R22A Buildings and Structures in the Outstanding Coastal Environment Area not meeting Permitted or Restricted Discretionary Activity Rules

Activity Status Non – complying

Activity status where compliance not achieved: N/A²⁶¹

3.9. Submissions on Rule CE – R20 Afforestation with Plantation Forestry in the Outstanding Coastal Environment Area or any Significant Natural Area identified in Schedule Four in the Coastal Environment

Submissions and Further Submissions

616. Six submission points received on Rule CE-R20 were summarised in a table on pages 162-163 of the s42A Report. Two were in support, two sought amendments and two opposed the rule.

Section 42A Report

617. The s42A Report clarified that this rule applied to plantation forestry, and that since the Plan was notified the former NES-PF had been amended to the NES-CF. The wording of the NES has been updated and the definition of commercial forestry has changed. As a consequence of the amendments, Councils now have full discretion to apply more stringent rules relating to afforestation.
618. The NES-CF regulates commercial forestry, defined as '*exotic continuous cover forestry or plantation forestry*'. The definition of '*plantation forestry*' is not limited to exotic forestry, meaning indigenous forestry undertaken under the Forests Act, or future indigenous plantations are included. Ms Easton recommended all references to the NES-PF be amended to NES-CF, although she was unsure whether there is scope for this change, or whether it could be undertaken as a clause 16 amendment. She noted that her s42A Report comments were made in the context of the NES-CF.
619. Ms Easton acknowledged the submissions from Te Mana Ora (\$190.498) and BDC (\$538.307) in support of the rule as notified.
620. Forest and Bird (\$560.0574) sought the rule be amended to include areas of HCNC with a non-complying activity status. Ms Easton supported the submission in part, noting that the amended NES-CF allowed for the rule to be applied to the HCNC areas. However, she did not consider it was appropriate for all afforestation to be non-complying. She was mindful that existing indigenous forestry activities are being undertaken in Outstanding Coastal

²⁵⁹ RMA Schedule 1, clause 16(2)

²⁶⁰ RMA Schedule 1, clause 16(2)

²⁶¹ Consequential amendment to recommendation on Rule CE-R16, Director General of Conservation S602.161, Royal Forest and Bird Protection Society of New Zealand Incorporated S560.305, Frida Inta S553.133 and Buller Conservation Group S552.133

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

Environment Areas, including by Poutini Ngāi Tahu. She considered there may be parts of the Outstanding Coastal Environment Area where afforestation with indigenous plantation forestry may be appropriate and could enhance biodiversity, landscape or natural character values. She considered that including HCNC areas in the rule may result in indigenous afforestation being a more likely and appropriate activity, as these areas include pastoral farmland and lifestyle activities. She also considered some exotic forestry may be appropriate in these areas, likely at small scale. She noted some exotic species can be important habitat for indigenous species, and with the risk of mānuka/kānuka forests being affected by the pest myrtle rust, there was the possibility some of these areas could be naturally deforested in the future. She therefore concluded that the discretionary activity status was appropriate.

621. Buller Conservation Group (S552.135) and Frida Inta (S553.135) sought to delete this rule and considered that there should be no plantation forestry in the Outstanding Environmental Area. Ms Easton did not support these submissions, noting that without the rule the NES-CF would allow afforestation as a restricted discretionary activity in outstanding areas. She did not consider this appropriate as any resource consent would be processed without reference to the pTTPP objectives and policies.

Hearing and Submitter Evidence/Statements

622. Submitters reiterated their positions at the hearing.

Reporting Officer Evidence in Reply

623. Ms Easton reconsidered her recommendation on replacing '*Plantation*' with '*Commercial*' in the heading of the rule and clause (2). She noted that upon reflection she considered this to be outside the scope of RMA Schedule 1, clause 16. She therefore recommended this change was not made, which was shown in Appendix 1 of the Right of Reply.

Hearing Panel's Evaluation

Rule CE – R20

624. The Panel accepts Ms Easton's reasoning and recommended amendments to Rule CE-R20, as shown in Appendix 1 of the Right of Reply. The Panel accepts these amendments give effect to the NZCPS and WCRPS.
625. The Panel agrees that changing replacing '*plantation*' with '*commercial*' in the context of this rule is more than a change in reference to the NES-CF in the advice notes of the rule and should not be undertaken as an RMA Schedule 1, clause 16 minor amendment. This change should be considered as part of a future plan change to give effect to the NES-CF.

Hearing Panel's Recommendation

626. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Coastal Environment Rules** in the Plan as follows

CE - R20 Afforestation with Plantation Forestry in the High Coastal Natural Character Overlay, the²⁶² Outstanding Coastal Environment Area or any Significant Natural Area identified in Schedule Four in the Coastal Environment

Activity Status Discretionary

Advice Note:

- 1.** When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes **objectives and**²⁶³ policies will be required.
- 2.** **This rule applies to plantation forestry activities where this provision is more stringent than the NES – CF.**²⁶⁴

Activity status where compliance not achieved: N/A

3.10. Rule CE – R22 Activities in the Coastal Environment that would destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding

Submissions and Further Submissions

627. Nine submission points and three further submissions received on Rule CE-R22 were summarised in a table on pages 162-163. Two submissions were received in support, five sought amendments and two sought that it be deleted. The three further submissions were in opposition to amendments.

Section 42A Report

628. Ms Easton acknowledged the submissions from Te Mana Ora (\$190.500) and BDC (\$538.309) in support of the rule as notified

629. Buller Conservation Group (\$552.136) and Frida Inta (\$553.136) sought the rule be deleted because destroying such features would destroy important values. Ms Easton did not support these submissions and noted that the submitters seemed to be seeking a more stringent prohibited activity rule, as deleting it would weaken protections for these areas.

630. Transpower (\$299.071) sought the rule be amended to clarify the term ‘*destroy*’ and application of the rule. Ms Easton did not support this submission and considered the term ‘*destroy*’ was clear in terms of its common meaning. She considered the scale, nature of degree of destruction would vary on a case by case basis. She noted that the only ONFL within the coastal environment were Punakaiki Pancake Rocks and Gillespies Breach huttonite, both of which were within National Parks. She did not consider further definition of ‘*destroy*’ necessary for implementation of this rule.

631. Ms Easton did not support a submission from Westpower (\$547.454) that sought to amend the rule to refer to ‘*the values which **together** make it outstanding...*’ for the reasons previously given.

²⁶² Buller District Council S583.287

²⁶³ RMA Schedule 1, clause 16(2)

²⁶⁴ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.0574

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai**

632. Forest and Bird (S560.311) sought a prohibited activity status. Ms Easton did not support this submission. While she considered an application under the rule was unlikely, she could imagine a circumstance (e.g. a natural disaster), where an application could be made to destroy some aspect of a site's values that had been impacted by the disaster. In particular, she could envisage an event where retrospective consent was required for emergency works undertaken after a natural disaster.
633. GDC (S608.082) sought the limited notification clause be amended to a written approval clause. Ms Easton supported this submission, noting limited notification clauses were no longer provided for under the RMA.

Hearing and Submitter Evidence/Statements

634. The letter from Transpower accepted the s42A Report recommendation and supported the retention of the rule, noting the limited areas of land within which it would apply.
635. Mr Kennedy, for Westpower, continued to seek that CE-R22 be amended to add the word 'together'

Reporting Officer Evidence in Reply

636. No reply evidence relevant to this rule was provided.

Hearing Panel's Evaluation

637. The Panel accepts Ms Easton's reasoning and recommended amendments to Rule CE-R22, as shown in Appendix 1 of the s42A Report. The Panel accepts these amendments give effect to the NZCPS and WCRPS. However, we have also recommended amendment to the notification clause to be consistent with other similar amendments to limited notification clauses Plan-wide because as notified this was *ultra vires*.

Hearing Panel's Recommendation

638. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Coastal Environment Rules** in the Plan as follows:

CE - R22 Activities in the Coastal Environment that would destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding

Activity Status Non-complying

Notification:

When making notification decisions in relation to Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding **the Council will consult with** ~~always be Limited Notified to the Geosciences Society of New Zealand and may be publicly notified.~~ ²⁶⁵

Advice Note:

²⁶⁵ Grey District Council S608.659

1. When assessing resource consents for activities under this rule, assessment against both the Coastal Environment, and Natural Features and Landscapes **objectives and** policies will be required.
2. This rule also applies to ~~plantation~~ **commercial** forestry activities where this provision is more stringent than the NES - **PCF**.

Activity status where compliance not achieved: N/A

3.11. Submissions on Rule SUB - R16, SUB - R17 and SUB - R24.

Submissions and Further Submissions

639. Twenty submissions received on **Rule SUB-R16** were summarised in a table on pages 166-168 of the s42A Report. Two were in support and the remainder sought amendments.
640. Fifteen submissions and two further submissions received on **Rule SUB-R17** were summarised in a table on page 168 of the s42A Report. Thirteen were in support and two sought amendments. The two further submissions were in support of amendments.
641. Nine submissions received on **Rule SUB-R24** were summarised in a table on pages 168-169 of the s42A Report. One was in support, two sought amendments and five sought the rule be deleted. One submission point did not state a position.

Section 42A Report

Rule SUB - R16

642. Ms Easton acknowledged the submissions from Te Mana Ora (S190.431) and BDC (S538.269) in support of the rule as notified.
643. Eighteen submission points²⁶⁶ sought to delete clause (1), which requires the subdivision to be outside the Outstanding Natural Character Area overlay; and/or that the rule not escalate to non-complying. Ms Easton did not support these submissions given the direction of the NZCPS and WCRPS. She noted that when subdivision occurred it created the near-inevitable likelihood of a dwelling being constructed and other development occurring over time. She considered that restricting subdivision in the most significant areas of outstanding coastal natural character avoided this development cycle, giving effect to the NZCPS and WCRPS direction.

Rule SUB - R17

644. Ms Easton acknowledged the submissions²⁶⁷ supporting the rule as notified.
645. Margaret Montgomery (S446.058) sought the notification clause be amended so notification was not required if iwi were engaged. Ms Easton supported this submission point in part, noting that limited notification clauses were *ultra vires* and recommended amendments to

²⁶⁶ John Brazil (S360.020), Lara Kelly (S421.010), Leonie Avery (S507.054), Jared Avery (S508.054), Kyle Avery (S509.054), Avery Bros (S510.054), Bradshaw Farms (S511.054), Avery Brothers (S609.047), Paul Avery (S512.054), Brett Avery (S513.054), Steve Croasdale (S516.057), Neil Mouat (S534.027), Chris J Coll Surveying Limited (S566.243 and S566-244), William McLaughlin (S567.311 and S567.312), Chris and Jan Coll (S558.243 and S558.244)

²⁶⁷ Te Mana Ora (S190.432), Leonie Avery (S507.055), Jared Avery (S508.055), Kyle Avery (S509.055), Avery Bros (S510.055), Bradshaw Farms (S511.055), Avery Brothers (S609.048), Paul Avery (S512.055), Brett Avery (S513.055), Steve Croasdale (S516.058), Chris J Coll Surveying Limited (S566.245), William McLaughlin (S567.313), Chris and Jan Coll (S558.245)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

the written approval clauses. She considered there may not be scope to amend the clause for Heritage New Zealand Pouhere Taonga.

646. Te Tai o Poutini Plan Committee (S171.018) sought that SUB-R17 be amended to make it clear that within those Sites and Areas of Significance to Māori identified in SUB – R5 that subdivision was a controlled activity and rule SUB – R17 did not apply. Ms Easton supported this submission, noting that it sought to remove unintentional ambiguity from the Plan.

SUB - R24

647. Ms Easton acknowledged the submission from Te Mana Ora (S190.439) in support of the rule as notified.
648. Margaret Montgomery (S446.063) sought the rule be reviewed in light of the permitted baseline, as she was concerned the areas could be built on, but not subdivided. Ms Easton did not support this submission, considering the building rules were exceedingly restrictive and there were no permitted new buildings. She considered no permitted baseline applied.
649. Seven submission points²⁶⁸ sought to delete the rule or make it a discretionary activity. Ms Easton did not support these submissions. She noted that when subdivision occurred it created the near-inevitable likelihood of a dwelling being constructed and other development occurring over time, with adverse effects inevitably arising. She considered that restricting subdivision in the most significant areas of outstanding coastal natural character meant that this development cycle would be avoided, giving effect to the NZCPS and WCRPS direction.

Hearing and Submitter Evidence/Statements

650. No evidence was presented on these rules.

Reporting Officer Evidence in Reply

651. In Reply, Ms Easton clarified how SUB-R16 would work and where it would apply. She noted that the rule would provide for the following as discretionary activities:
- (a) Boundary adjustments and amalgamation of lots within the Outstanding Coastal Natural Character overlay, but not new lots.
 - (b) New lots within Outstanding Natural Landscapes that were not areas of Outstanding Natural Character.
 - (c) New lots within the High Natural Character overlay.

Hearing Panel's Evaluation

652. The Panel accepts Ms Easton's recommendation to make no changes to rules SUB-R16 and SUB-R24 in response to the submissions.
653. The Panel accepts the reasoning and recommended amendments to Rule SUB-R17, as shown in Appendix 1 of the s42A Report. The Panel accepts these amendments give effect to the NZCPS and WCRPS. We have also recommended amendment to the notification clauses to be consistent with other similar amendments to limited notification clauses Plan-wide because as notified this was ultra vires.

²⁶⁸ Lara Kelly (S421.015 and S421.012), Steve Croasdale (S516.060), Neil Mouat (S535.030), Chris J Coll Surveying Limited (S566.255), William McLaughlin (S567.322), Chris and Jan Coll (S558.255)

Hearing Panel’s Recommendation

654. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the changes to the **Subdivisions Rules** as follows:

SUB - R16 Subdivision of Land within the Coastal Environment subject to an Outstanding Natural Landscape, Outstanding Natural Feature or High Coastal Natural Character Overlay
<p>Activity Status Discretionary</p> <p>Where:</p> <p>No new allotments are proposed within Outstanding Coastal Natural Character areas as identified in Schedule Eight.</p> <p>Activity status where compliance not achieved: Non-complying</p>
SUB - R17 Subdivision of Land within the Coastal Environment to create allotments where there is a Historic Heritage site or area identified in Schedule One or a Site and Areas of Significance to Māori identified in Schedule Three <u>not provided for in Rule SUB – R5</u>²⁶⁹
<p>Activity Status Discretionary</p> <p>Notification:</p> <ol style="list-style-type: none"> 1. Applications to subdivide a lot with a Site or Area of Significance to Māori will always be limited notified to the relevant rūnanga. <u>When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.</u>²⁷⁰ 2. Applications to subdivide a lot with a historical heritage feature will always be limited notified to Heritage New Zealand Pouhere Taonga and may be publicly notified. <u>When making notification decisions in relation to this rule, the Council will consult with Heritage New Zealand - Pouhere Taonga.</u>²⁷¹ <p>Activity status where compliance not achieved: N/A</p>
SUB - R24 Subdivision within the Outstanding Coastal Natural Character Overlay
<p>Activity Status Non-complying</p> <p>Activity status where compliance not achieved: N/A</p>

3.12. Planning Maps and Schedules - Natural character overlays

Submissions and Further Submissions

655. Fifty submissions received on the natural character overlays and summarised on pages 170-174 of the s42A Report. Eight were in support. The remainder sought the overlay be amended or removed from specific properties or land areas.

²⁶⁹ Te Tai Poutini Plan Committee S171.018

²⁷⁰ Margaret Montgomery S446.058

²⁷¹ RMA Schedule 1, clause 16(2)

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

656. Twenty-Four submissions were received on the Outstanding Natural Character Overlays. Seven were in support. The remainder sought amendments or for the overlay to apply to, or be removed from, specific land areas.
657. Ninety-three submission points were received on the schedules. Four sought amendments and the remainder were in support.

Section 42A Report

High Coastal Natural Character Overlay

658. Ms Easton acknowledged the submissions in support of the HCNC overlay.
659. GDC (S608.843) sought the overlay be reviewed and reassessed for accuracy. Ms Easton supported this submission, noting that since the Plan was notified this exercise had been undertaken by Mr Stephen Brown in September 2022 and subsequently reviewed by Ms Bridget Gilbert. She noted Ms Gilbert’s evidence stated that in her opinion the mapping methodology was credible, but that both mapping sets presented difficulties in terms of technical accuracy. Ms Gilbert made several recommendations for further refinement of the mapping, and Ms Easton supported making these changes.
660. BDC (S538.311) sought careful consideration of individual submissions regarding land use implications of any coastal overlay, and the accuracy of High and Outstanding Coastal Natural Character overlay boundaries. They also sought that the High and Outstanding Natural Coastal Character overlays show the identifier number of the scheduled site that they related to. Ms Easton supported this submission, noting that the submissions had been carefully considered and a review of accuracy of the overlay boundaries had been undertaken. She also supported showing an identifier number for each component of the overlays.
661. A joint submission point from Chorus NZ Ltd, Spark NZ Trading Ltd and Vodafone NZ Ltd (S663.057) sought that identified areas of High Natural Character did not cover existing urban development. Ms Easton supported this submission point in part. She noted that Greymouth was the only part of the West Coast that met the definition of “urban” as used in the NPS Urban Development. The submitter also noted Ashmore Avenue in Cobden was affected by the overlay. Ms Easton noted this area was Outstanding Coastal Natural Character, not High Coastal Natural Character. She considered this to be a mapping error and noted Ms Gilbert had recommended the overlay was removed from the General Residential Zone at Ashmore Avenue. She noted the High Natural Character overlay did not cover any part of the developed Greymouth urban area, Hokitika or Westport. However, she confirmed the overlay did cover some locations around these centres, and parts of smaller settlements.
662. Submissions on individual Natural Character Areas (**NCA**) are addressed below.

NCA 41 Pakiroa Beach

663. Ms Easton noted that NCA 41 was listed in Schedule 7 as an area of High Natural Character, but considered this was an error in the Plan. She highlighted that the mapped area (from the 2013 mapping assessment) was all below mean high water springs (i.e. within the coastal marine area) and did not include any area landward of this. She noted the most recent assessments did not identify that the landward area should be included as an area of High Coastal Natural Character. She confirmed that the HCNC in this area had been reviewed by Mr Brown, in his updated mapping, and Ms Gilbert, in her review. She noted that neither had

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

identify this area as being appropriate for expansion of the NCA due to the level of built development and farming modification evident.

664. Several submission points were received on NCA 41. David Moore (S65.043), Trevor Hayes (S377.011), Karen Vincent (S393.003) and Katherine Crick (S101.015) sought that NCA41 Pakiroa Beach be extended. Michael Hill (S70.008) sought that NCA41 was mapped on the Plan, as it was not shown in the maps. GDC (608.435) supported the inclusion of this NCA. Craig Schwitzer (S96.012) supported NCA41 and sought greater restrictions in relation to use of land in this area. Riarrne Klempel (S296.007) sought the NCA be retained. Ms Easton did not support these submission points and recommended NCA 41 be deleted from Schedule Seven because the area was not mapped on TTPP maps and was below mean high water springs (in the coastal marine area). She considered this was an error that could be corrected as an RMA Schedule 1, clause 16 amendment.

NCA 57 Karamea

665. Ruth Henschel and Richard Henschel (S285.003) sought that the HCNC be removed from 4456B Karamea Highway. Emilie Schmitthausler and Sander De Vries (S58.001) sought that the HCNC be removed from 4456A Karamea Highway. Ms Easton noted that Ms Gilbert had reviewed this NCA and recommended some modification to the boundary to follow the terrestrial coastal landform edges, and to exclude rural living properties as shown in the aerial photography. Ms Easton supported these submissions on that basis.
666. Ms Easton supported in part submissions from John Helen & Brett Hadland (S318.001), Delwyn Broadbent (S319.001 and S319.002), Lynne Lever & Greg Tinney (S320.001 and S320.007), Tony Schroder and Emi Schroder (S369.001 and S369.005) and Greg Maitland (571.008), which sought that the HCNC overlay be removed from the Chesterfield Terraces. She noted that Ms Gilbert had reviewed the overlay and supported the updated Stephen Brown mapping in this area. She noted this had slightly reduced the extent of the area (but did not remove it) to exclude modified areas where built development was evident.

NCA 11 Okuru and Turnbull river mouths

667. Ms Easton supported a submission point from Michael Snowden (S492.002) that sought to remove the HCNC from the privately owned farmland southwest of Okuru-Turnbull. Gerard Nolan (S261.003) also sought the removal of the areas of coastal natural character. Ms Easton noted that Ms Gilbert had reviewed the overlay in this area and recommended that the HCNC was amended to exclude all small-scale residential properties in the area and to align the boundary to the coastal landforms to exclude farmland.

NCA 43 Pahautane

668. Fiona McDonald (S561.002) and Jon Barltrop (S572.002) sought that the HCNC be reviewed on the property at 5186 State Highway, Pahautane. Ms Easton confirmed the overlay had been reviewed and Ms Gilbert considered that the updated Stephen Brown mapping was appropriate in this location. She noted Ms Gilbert had identified that there were some dwellings and smaller scale undeveloped lots within this HCNC, but that the continuity of coastal landform and vegetation patterns across these areas meant that they displayed HCNC. Ms Gilbert had also noted that the identification of HCNC in the underlying natural character assessment acknowledged that such areas were likely to contain human modification. Ms Easton noted that the updated mapping did not change the identification of the property as an area of High Coastal Natural Character. She therefore did not support this submission.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

669. Dean Van Mierlo (S570.005 and S570.001) sought review of the OCNC boundary at Pahautane and that his property be excluded. Ms Easton noted that the overlay was reviewed by Ms Gilbert and that she had supported the notified TTPP mapping, which was the same as the updated Stephen Brown mapping in this area. Ms Easton noted that Ms Gilbert considered the very modest scale of development on the submitters land did not preclude it from being included in the OCNC. Ms Easton therefore did not support the submission.

Other NCA submissions

670. G.E. and C.J. Coates (S415.014) sought that HCNC be removed from their property at Barrytown. Ms Easton noted that insufficient information was provided with the submission to enable Ms Gilbert to review the appropriateness of the identification. She therefore did not support this submission, but invited the submitter to provide more information about the location at the hearing.

671. Jane Whyte & Jeff Page (S467.035) sought that land within Punakaiki Village be excluded from the overlay. Ms Easton noted that no land in Punakaiki Village was within the HCNC overlay, but that Hartmount Place at Te Miko was within the overlay. She noted that the overlay had been reviewed in this area by both Stephen Brown and Bridget Gilbert and is considered to be appropriate. She therefore did not support this submission.

672. WCRC (S488010) sought to remove the HCNC overlay from the Karamea River (west end of Karamea Domain stopbank), Kongahu (Granite Creek) and Mokihinui (adjoining the downstream end of the bay). Ms Easton assumed that this affected NCA 57 at Karamea and Kongahu and NCA 56 at Mokihinui. However, she noted the location where the submitter sought changes was unclear. She noted that the review by Ms Gilbert identified that removing stopbanks from the HCNC may be appropriate, but that this depended on the context. Ms Easton considered that generally the mapping in the vicinity of the locations mentioned in the submissions were accurate, subject to amendments recommended by Ms Gilbert to follow the terrestrial coastal landform edges and vegetation edges. Ms Easton noted it had not been possible from the information provided to identify the locations of concern, and therefore she did not support this submission, but invited the submitter to provide further information at the hearing.

Outstanding Natural Character Overlay

673. Ms Easton acknowledged the submissions in support of the ONC overlay.

674. Ms Easton supported a submission from Brian Anderson (S576.018) that sought for the overlay to be based on landscape values, not tenure. She confirmed the boundaries were tenure neutral and considered no amendments were required in response to this submission.

675. GDC (S608.844) sought that the overlay be reviewed and reassessed. Ms Easton supported this submission, noting that since the Plan was notified this exercise had been undertaken by Stephen Brown in September 2022, digitised in 2024 and subsequently reviewed by Ms Gilbert. She referred to Ms Gilbert's evidence, which stated that, in her opinion, the methodology underpinning the HNC and ONC mapping in the August 2024 GIS HNC/ONC mapping was credible. However, Ms Gilbert had acknowledged both mapping sets presented difficulties in terms of technical accuracy. Ms Easton supported making the changes recommended in Ms Gilbert's report as the key relief to this submission point.

NCA 10 Hannah's Clearing

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

676. Raylene Black (S306.001) and Vance and Carol Boyd (S447.006 and S447.007) sought to remove the overlay from their properties at Hannah’s clearing. Ms Easton supported these submissions, noting that Ms Gilbert had reviewed the overlay in this area and supported removing it from these properties and creating a non-overlay margin along the southern side of the settlement area of a similar scale to that mapped along the eastern side.

NCA 38 Rapahoe

677. Straterra (S536.035 and S536.034) sought that that Rapahoe Coal Yard be excluded from the HCNC overlay. Birchfield Coal Mines Ltd (S601.127) sought amendments to NCA 38 to remove the OCNC from both the Birchfield Coal Mine sites and the KiwiRail designated land at Raphoe. Ms Easton noted that Ms Gilbert had reviewed the overlay in this area and recommended that the HCNC was amended to exclude built development at the Rapahoe residential settlement and realigned to follow the coastal landform boundaries and vegetation edges. Ms Easton advised that Ms Gilbert did not support modifications to the mapping to exclude Mineral Extraction Zone areas of undeveloped bush due to the level of existing natural character evident. Ms Easton therefore supported these submissions in part.

678. Russell and Joanne Smith - 332F North Beach Road (S477.002), Tim Macfarlane (S482.002), Claire & John West (S506.002), Lauren Nyhan Anthony Phillips - 332D North Beach Road (S533.002), Joel and Jennifer Watkins - 332A North Beach Road (S565.001, S565.003 and S565.004) and Stewart & Catherine Nimmo (S559.002) sought that the HCNC overlay on their properties at North Beach Road, Cobden be reviewed. Ms Easton noted Ms Gilbert had reviewed the overlay and recommended that it was removed from the area where rural living development was evident and realigned to the mature contiguous bush boundaries. Ms Easton therefore supported these submissions in part.

NCA 42 Punakaiki

679. Jane Whyte & Jeff Page – 11 Owen Street Punakaiki (S467.036) sought that no land at Punakaiki Village was identified as Outstanding Coastal Natural Character. Neil Mouat (S535.082 and S535.079) sought that the land identified as OCNC at Punakaiki was reviewed. Ms Easton confirmed Ms Gilbert had reviewed the overlay in this area and supported the updated Stephen Brown mapping in this area. She noted there was no OCNC overlay over 11 Owen Street Punakaiki. In relation to the submissions of Neil Mouat, Ms Gilbert considered the very modest scale of development on the submitters land did not preclude it from being included in the OCNC, but noted that the extent of the OCNC had been slightly reduced in the vicinity in the August 2024 mapping. Ms Easton therefore did not support these submissions.

NCA 32 Awatuna

680. Glenn Robinson (S216.001) sought to have their property at 6A Stafford Loop Road reassessed. Ms Easton confirmed this overlay was reviewed by both Mr Brown and Ms Gilbert; and both landscape architects considered the property was incorrectly included in the HCNC. Ms Easton therefore supported this submission.

NCA 54 Granity

681. Jackie Mathers and Bart Gillman – 170 and 170A Torea Street (S228.001), Granity, sought that the plan be amended to reflect an objective analysis and review of the NCA 54 overlay. Ms Easton noted that the overlay was reviewed by Ms Gilbert and that she considered that in this location the notified plan mapping was appropriate. She considered the elevated coastal

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

slopes in contiguous bush cover met the area qualified as HCNC. Ms Easton therefore supported this submission in part.

682. Karen and Dana Vincent (S591.003) sought that Barrytown beach be included within the area of HCNC. Ms Easton did not support this submission, noting that neither the 2013 nor 2022 Stephen Brown landscape study identified this area as being an area of HCNC. She also noted that Ms Gilbert did not consider this area was an HCNC area.
683. Fernando Tarango (S342.003) and Laurence Rueter (S381.002) sought that “The Pyramid” feature at Karamea was included in the overlay. Ms Easton did not support these submission points, noting that Ms Gilbert’s review considered the updated Stephen Brown mapping was correct; and that the exclusion was correct given the level of earthworks and built modification in this location.

NCA Schedules

684. Ms Easton noted that Grey District Council (various submission points) supported each NCA within the schedules; and that David Moore (various submission points) supported the majority of NCA areas scheduled.
685. Vance & Carol Boyd (S447.011 and S447.012) sought that the spatial description of NCA 4 and NCA 5 within the schedule be amended so that it was clear that properties at settlements such as Hannah’s Clearing were not included. Ms Easton supported these submissions in part. She noted that Hannah’s Clearing was within NCA 10 (Hannah’s Clearing) and considered that this was the appropriate location for this statement. She also noted that parts of Neils Beach and Jackson Bay were within areas NCA 4 and NCA 5 and therefore an exclusionary statement would be incorrect in these scheduled area descriptions. Ms Easton recommended the following statement be added to the description NCA 10 in Schedule Eight:

The area of outstanding natural character wraps around the settlement of Hannah’s Clearing with the settlement itself not included within the area.

686. Ms Easton supported submission points from Frida Inta (S552.206) and Buller Conservation Group (S553.206) that sought for the reference to ‘Orowaiti River’ in the schedule, in relation to NCA55, be replaced with the ‘Mokihinui River’ to correct an error in the Plan.

Hearing and Submitter Evidence/Statements

687. Mr Coates, on behalf of Nikau Deer Farm Ltd, confirmed the legal description and physical location of their property. They opposed the OCNC overlay (NCA 40) on their property and considered the appraisal inaccurately described their property. They outlined a series of assessments that had been undertaken in the past in relation to identifying whether significant natural wetlands or SNA were located on the property. They advised that they had obtained a quote of \$20,000 for a landscape assessment from a landscape architect and queried why a private landowner should be required to bear this cost to rectify an inaccurate assessment. They considered that no meaningful s32A analysis had been undertaken for the coastal environment or HCNC overlays to support treating the rural zone in the coastal environment differently to the remainder of the zone.
688. Mr Brass, for the Director General, supported the s42A Report recommendations in relation to mapping corrections requested in the submission.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

689. Mr van Mierlo continued to oppose the HCNC overlay on Lot 2 DP 307444, Blk V Brighton SD. He noted that the western part of the property was covered in gorse and wilding pines and he could see no evidential basis for including it in the overlay. He considered this was a mapping error and noted that it was unclear exactly where the proposed overlay boundary lay. He requested the boundary be aligned with the southern boundary of Lot 2 and the northern boundary of Lot 7 DP 37444.
690. Ms Lever and Mr Tinney on behalf of themselves, John, Helen and Brett Hadland, and Tony and Emi Schroder, spoke at the hearing. They continued to seek removal of the NCA 33 overlay from the mid Chesterfield Terraces. They expressed concern at the process, mapping identification and inconsistencies of the overlays and the impacts on private land; and considered the overlays intrusive and a form of 'backdoor SNA'. They considered the mapping to be incorrect and noted that landowners had not been involved in the identification process.
691. Ms Lever and Mr Tinney noted Mr Brown's mapping included the mid to northern terraces in the overlays, which were areas with obvious modification. They considered Mr Brown's review was unfair as it gave relief to one section of the community, but not the other. They noted that a further review of Mr Brown's work highlighted technical mapping problems and a lack of field work. They highlighted Mr Brown had expressly recommended that the Council review his maps to ensure the HNC area terminated on the crest of fore-slopes, and considered this had not happened because the boundary extended well inland of the terrace edge on their property. The submitters considered Ms Gilbert's recommendation had done the opposite to Mr Brown's recommendation, but acknowledged it was difficult to interpret the minor changes made due to the scale and resolution of the mapping.
692. Ms Ruth and Mr Richard Henschel's tabled statement continued to seek removal of the HCNC overlay from their property at 4456B Karamea Highway. The submitters acknowledged that Ms Easton supported their submission in the s42A Report and provided photographs of the property along with a summary of land uses within it.
693. Mr Philp McKinnel presented a statement of evidence at the hearing for Birchfield Coal Mines Limited (BCML), which continued to seek that the HCNC overlay NCA 38 was removed from the Rapahoe coal yard and the KiwiRail designated land. He noted the coal yard was an active handling and distribution site with little natural character, let alone high or outstanding coastal natural character, and provided several photographs of the site. He questioned why the recommended boundaries shown in the s42A Report (pg. 192) had increased the extent of the NCA in the southern part.
694. The tabled statement for WCRC provide further information to clarify the areas where removal of the NCA was sought, including maps as Appendix 1. These areas included:
- (a) Karamea River by the township, where the overlay extended over areas of stopbanks and rock protection structures that were regionally significant infrastructure, part of the river consented for gravel extraction, and land adjoining the river and containing farmland, a camping ground and residential areas.
 - (b) Graphite Creek at Kongahu, where the overlay extended over an area where slip debris was placed and where willow trees were occasionally cleared from the creek margins, the main road and bridge and an unsealed access road.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

(c) Mokihiui River bank where the overlay extended over a residential property, culverts, rock work, an old groyne, a hardfill and dump site, and a strip of river margin vegetation that was not in the HCNC overlay and appeared to be an error.

695. Mr Kennedy noted Westpower had not submitted on the overlays, but that their submissions had addressed identification of outstanding features, landscape and character, appropriately recognising and providing for existing energy activities and infrastructure in these areas. He was concerned that this element of the coastal environment had not been considered when assessing values, particularly given the extent of infrastructure present. He considered the proposed plan provisions had the potential to significantly impact the servicing of communities if the existing infrastructure was not appropriately recognised and provided for.

Reporting Officer Evidence in Reply

696. Ms Easton noted Ms Gilbert had provided an updated set of schedules in her evidence, which were provided with the Right of Reply.

697. With respect to zoning extending into the sea, Ms Easton noted that other councils zoned via land title, including where titles extended into the sea. However, she noted that overlays were normally mapped to established coastlines or mean high water springs.

698. In relation to the Birchfield Coal Mines Ltd and WCRC submissions, Ms Easton confirmed with Birchfield Coal that Ms Gilbert's proposed amendment to the boundary of the Outstanding Natural Character Area had addressed their concerns. However, she noted they continued to oppose the recommended Coastal Environment overlay boundary.

699. Ms Gilbert reviewed the HCNC overlay mapping in relation to the WCRC submission points and proposed several amendments. Ms Easton noted that the WCRC had confirmed that these changes addressed their concerns.

700. In response to Mr van Mierlo's statement, Ms Easton noted that Ms Gilbert had reviewed the evidence and the OCNC boundary and made a final recommendation to amend the boundary location to remove disturbed areas.

701. In response to the evidence presented in relation to Chesterfield Terrace, Ms Easton noted that Ms Gilbert had reviewed the evidence and made a final recommendation on the boundary for both the HCNC and Coastal Environment overlays. She noted Ms Gilbert's recommendation was for the coastal environment overlay to be reduced to the terrace edge in the southernmost terrace, which also had the effect of removing the HCNC overlay, as sought by the submitters.

702. In relation to whether there was scope for increasing the OCNC and HCNC overlays, Ms Easton considered that submissions from GDC (S608.843) and Brian Anderson (S576.018) provided scope to review and alter the overlay areas. However, she noted the submissions were generic and considered they did not provide for wholesale changes, which increase the extent of the HCNC and ONC overlays. She noted that in most cases Ms Gilbert's recommendations had reduced the overlay areas affecting private land; and that she had provided maps showing areas where the overlays had increased.

703. Ms Easton considered that increases in the overlay over public conservation should be included within the Plan as part of the current process, within the scope provided by Brian Anderson. However, she recommended that in the case of privately owned land, only changes that did not increase the area of land affected were recommended to be included. She

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

considered that, where the recommendations would extend the overlays into new areas of private land, the scope of the generic submissions was insufficient to provide for natural justice. She noted this would impact the following NCA:

- NCA 55 at Oparara
- NCA 54 at Mokihinui
- New NCA 53 at Birchfield
- NCA 49 at Cape Foulwind and Tauranga Bay
- NCA 47 at Okari
- New NCA 46 at Charleston
- NCA 44 at Fox River
- NCA 38 at Rapahoe
- NCA 34 Taramakau River
- NCA 32 Arahura River
- NCA 31 Totara Lagoon
- NCA 30 at Mikonui River
- NCA 28 Ianthe
- NCA 22 at Karangarua River
- NCA 20 at Bruce Bay
- NCA 19 at Bruce Bay
- NCA 18 at Paringa River
- NCA 14 at Moeraki River
- NCA 10 at Okuru

Hearing Panel's Evaluation

704. The Panel is satisfied that the amendments recommended by Ms Easton are appropriate to address submissions points received. We acknowledge the assessments undertaken by Mr Brown and the reviews of this work by Ms Gilbert. In addition, we acknowledge the specific reviews undertaken by Ms Gilbert in response to evidence and statements provided at the hearing, and as directed by the Panel. We consider this approach has addressed the concerns of some submitters regarding the cost of engaging independent assessments. We note no other expert evidence was received, and therefore rely on the expert advice of Mr Brown and Ms Gilbert, which has informed Ms Easton's recommendations.

705. The Panel accepts Ms Easton's recommended changes, as shown in Appendix 1 of the Right of Reply. We are satisfied that these recommended changes are within the scope of submissions and do not consider it necessary to footnote each change to a submission point given our summary of submission points above.

Hearing Panel's Recommendation

706. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends changes to the **Planning Maps** and **Schedules** as follows:

Outstanding Coastal Natural Character and High Coastal Natural Character

- The offshore islands are shown on the planning maps and are zoned Open Space Zone and included within the Coastal Environment.
- The Open Bay Islands (NCA 12) are shown on the maps as Outstanding Coastal Natural Character, as shown on the map in Appendix 1 of the s42A Right of Reply.

The following locations are removed from the HCNC maps:

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai**

- 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; and
- 6A Stafford Loop Road in NCA 32.

The following locations are removed from the OCNC maps:

- 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;
- The HCNC maps are updated as per the recommendations in the report of Bridget Gilbert in Appendix 3, and as further amended in her evidence to support the s42A Right of Reply, where these do not increase the area of private land affected by the HCNC;
- The OCNC maps are updated as per the recommendations in the report of Bridget Gilbert in Appendix 3 and as further amended in her evidence to support the s42A Right of Reply, where these do not increase the area of private land affected by the OCNC;
- The Coastal Environment maps are updated as per the recommendations in the report of Bridget Gilbert in Appendix 3, and as further amended in her evidence to support the s42A Right of Reply;
- That NCA 41 is deleted from Schedule Seven; and
- The description of NCA 10 within Schedule Eight is relocated to Schedule Seven and amended as follows:

NCA10 Hannah’s Clearing

*~~Outstanding~~**High** natural character*

A broad sweeping ocean beach backed by patches of low lying mature coastal forest, eroded dune lands, and pasture.

- *Highly dynamic and dramatic interaction / relationship between the beach and dune field and the open waters of Te Tai-o-Rēhua/ the Tasman Sea.*
- *Backed by extensive mature forest which extends towards the Selborne and Browning Ranges.*
- *The presence of pasture, Haast - Jackson Bay Road, and powerlines do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit.*
- *The dramatic exposure of the open waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness.*

The area of outstanding natural character wraps around the settlement of Hannah’s Clearing, with the settlement itself not included within the area.

- That the description of OCNC NCA 55 in Schedule Eight is amended to refer to the ‘Mokihinui’ instead of ‘Orowaiti’ River.

High Coastal Natural Character

High Coastal Natural Character		
Unique Identifier	Site Identifier	Description

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
 General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

NCA6	Neil's Beach Settlement	<ul style="list-style-type: none"> • High natural character. Isolated and modest bach community enclosed and integrated amongst mature coastal forest and flanked by the mouth of the Arawhata River. • Natural qualities are clearly evident in the landform, mature vegetation cover and their relationship with both Okahu/Jackson Bay and Te Tai o Rēhua/ the Tasman Sea contributing to a very endemic landscape. • Backed by mature forest covered foothills including Burmeister Tops with views of Jackson Head and the Alps across Okahu/Jackson Bay. • Although apparent the bach community and airstrip do not disrupt the cohesion of natural elements which remain the dominant feature of this unit
NCA8	Waiatoto/Waiatoto River Mouth	<p>Outstanding High natural character.</p> <p>Isolated and modest bach community enclosed and integrated amongst mature coastal forest and flanked by the mouth of the Waiatoto River.</p> <ol style="list-style-type: none"> a. Highly dynamic and dramatic interaction / relationship between the river mouth and the open waters of Te Tai-o-Rēhua/ the Tasman Sea. b. Backed by extensive mature forest which extends towards the Selborne and Haast Ranges. c. A scattering of baches and pasture occupy the shoreline near Haast - Jackson Bay Road although they do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit. d. The dramatic exposure of the opens waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness. <p>The tidal rhythm of the sea also provides a counterpoint for the river's natural variations of flow, clarity and flood cycles</p>
NCA10	Hannah's clearing	<p>Outstanding High natural character.</p> <p>A broad sweeping ocean beach backed by patches of low lying mature coastal forest, eroded dune lands, and pasture.</p> <ul style="list-style-type: none"> • Highly dynamic and dramatic interaction / relationship between the beach and dune field and the open waters of Te Tai-o-Rēhua/ the Tasman Sea. • Backed by extensive mature forest which extends towards the Selborne and Browning Ranges.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

		<ul style="list-style-type: none"> • The presence of pasture, Haast - Jackson Bay Road, and powerlines do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit. • The dramatic exposure of the open waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness.
NCA13	Haast Beach <u>and coastal hinterland</u>	<p>High natural character.</p> <p>A broad sweeping ocean beach backed by patches of low lying mature coastal forest, eroded dune lands, and pasture.</p> <ul style="list-style-type: none"> • Highly dynamic and dramatic interaction / relationship between the beach and dune field and the open waters of Te Tai-o-Rēhua/ the Tasman Sea. • Backed by extensive mature forest which extends towards the Browning and Mark Ranges. • The presence of pasture, Haast - Jackson Bay Road, and powerlines do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit. • The dramatic exposure of the open waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness.
NCA15	Awarua/Haast River mouth (western shoreline)	<p>High natural character.</p> <p>Braided river mouth surrounded by low lying mature coastal forest, eroded dune lands, and wetlands along its eastern shoreline while its western margins are dominated by pasture.</p> <ul style="list-style-type: none"> • Highly dynamic and dramatic interaction / relationship between the beach and dune field and the open waters of Te Tai-o-Rēhua/ the Tasman Sea. • Backed by extensive mature forest which extends towards Mosquito Hill. <p>The presence of pasture along the western shoreline and Haast - Jackson Bay Road bridge does not detract from the highly expressive natural processes and elements which are the dominant feature of the unit.</p>
NCA31	Totara River mouth <u>and coastline to Ruatapu</u>	<p>Broad sweeping exposed beach flanked by extensive dune fields and enclosed lagoons and islands, the mouth of the Totara River and is surrounded by a mixture of</p>

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

		<p>low lying mature coastal forest interspersed with patches of pasture.</p> <ul style="list-style-type: none"> • Highly dynamic and dramatic interaction / relationship between the Totara River mouth, sandbars bars and the open waters of the Tasman Sea. • Exposed dune landforms and windswept vegetation impart a strong sense of naturalness and wildness. • Enclosed river and lagoon systems are expressive of the formative and ongoing coastal processes. <p>The presence of pasture and farming activities near the shoreline does not overly detract from the highly expressive natural processes and elements which are the dominant feature of the unit.</p>
NCA36	Peter Ridge Foothills	<p>Exposed coastal escarpment and terrace covered in windswept coastal forest and scrub.</p> <ul style="list-style-type: none"> • Coastal landforms with indigenous vegetation reinforcing topography and exposure to coastal processes. • Natural qualities are clearly evident in the landform, vegetation cover and their relationship with the Tasman Sea contributing to a very endemic landscape.
NCA 38	Rapahoe – Greigs coastline	<p>Exposed coastal escarpment and terrace covered in windswept coastal forest and scrub.</p> <ul style="list-style-type: none"> • Coastal landforms with indigenous vegetation reinforcing topography and exposure to coastal processes. • Natural qualities are clearly evident in the landform, vegetation cover and their relationship with the Tasman Sea contributing to a very endemic landscape. • Pockets of batch development, pasture, and protection works are apparent
NCA 41	Pakiroa Beach	<p>Broad sweeping sandy / stony beach backed by an extensive dunefield, coastal scrub and forest— at the northern end of Pakiroa Beach.</p> <ul style="list-style-type: none"> • Natural qualities are clearly evident in the dune landform, windswept vegetation cover and their relationship with the Tasman Sea contribute to the feeling of naturalness. • Intact sequence of vegetation from dune fields through to coastal forest.

		<ul style="list-style-type: none"> • Presence of pasture and farming modification behind the coastal forest does not overly detract from the highly expressive and natural processes that are the dominant element of the unit
NCA43	<p>Perpendicular Point Woodpecker Bay <u>Te Miko</u></p>	<p>An extensive assemblage of craggy headlands and points, rock shoals and outcrops interspersed with sweeping sandy / stony beaches, dunefields, <u>steep coastal cliffs</u>, vegetated in coastal scrub and forest.</p> <ul style="list-style-type: none"> • High aesthetic values are associated with the inter-relationship between the series of craggy points and outcrops and the open waters of the Tasman Sea. • Natural qualities are clearly evident in the amalgam of landforms, wind swept vegetation cover and their relationship with the Tasman Sea contributing to a very endemic landscape. • Dramatic wave action, evident coastal erosion, and seasonal changes to atmospheric conditions are highly expressive and natural processes. • The prominence of number of houses / batches and SH6 along the coastline affects the perceived intactness and cohesion of the coastal environment, however they do not overly detract from the highly expressive and natural processes that dominate the landscape. • Backed by a steep escarpment covered in mature coastal forest.
NCA46	<p>Doctor Bay to Little Beach Deep Creek <u>to Parsons Hill</u></p>	<p><u>An assemblage of coastal and river embayments enclosed by a series of low knolls and headland including Doctor Bay, Constant Bay, Joyce Bay, and Nile River Bay Little Beach.</u></p> <ul style="list-style-type: none"> • <u>This landscape is highly expressive of the interplay between the embayments and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river’s natural variations of flow, clarity and flood cycles.</u> • <u>Diverse coastal forest comprising mature beech and rimu as well as windswept coastal scrub and flax across the more exposed headland landforms. The vegetation patterns also reinforce the enclosing landforms.</u> • <u>Very intimate and discrete landscape that is strongly focused towards the Nile River.</u> • <u>The weathered landforms, vegetation patterns and the prominence of the embayments and Nile River provide a very strong sense of naturalness despite the presence of nearby dwellings and infrastructure.</u>

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

<p>NCA47</p>	<p>Okari Lagoon <u>and coastline</u></p>	<p>Extensive saltwater lagoon enclosed by a vast exposed beach and dunefield.</p> <ul style="list-style-type: none"> • This landscape is highly expressive of the interplay between the Lagoon, Okari River and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river’s natural variations of flow, clarity and flood cycles. • Dune enclosed lagoon is expressive of the coastal environment’s formative processes. • Intact vegetation sequences from dunefields to coastal forest create a strong sense of naturalness. <p>The prominence of pasture and farming activities along the western shore of the Lagoon does not overly detract from the highly expressive and natural processes that dominate the landscape.</p>
<p>NCA52</p>	<p>Orowaiti Lagoon <u>and coastline</u></p>	<p>Extensive saltwater lagoon enclosed by a vast exposed beach and dunefield and fed by the Orowaiti River.</p> <ul style="list-style-type: none"> • This landscape is highly expressive of the interplay between the enclosed Lagoon, Orowaiti River and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river’s natural variations of flow, clarity and flood cycles. • Dune landform enclosing the lagoon is expressive of the coastal environment’s formative processes. • Regenerating vegetation covers much of the dunefield. <p>While the prominence of adjoining pasture, farming activities, and development along the shoreline of the Lagoon affect the perceived intactness and cohesion of the coastal environment, they do not overly detract from the highly expressive and natural processes that dominate the landscape.</p>
<p>NCA60</p>	<p>Kohaihai Coast</p>	<p>Section of remote exposed sandy beaches and dunefields flanked by a strip of pasture (including the DoC campsite) and coastal ranges covered in coastal forest.</p> <ul style="list-style-type: none"> • Natural qualities are clearly evident in the amalgam of dune landforms, wind swept vegetation cover and their relationship with the Tasman Sea contributing to a very endemic landscape. • Backed by forest covered ranges that extend into Kahurangi National Park.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
 General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

		<ul style="list-style-type: none"> • The remoteness and wildness of the area is counted by the presence of the DoC campsite and dirt access road. • This landscape is highly expressive of the interplay between the active and mobile dunefields, steep sandy beach and the Tasman Sea.
Outstanding Natural Character Area		
Unique identifier	Site identifier	Description
NCA2	Halfway Bluff <u>and coastal hinterland</u>	<p>Outstanding natural character. Extremely remote series of coastal bluffs and escarpments, rising to over 100m in parts, which enclose the head of the Cascade and Hope Rivers. <u>Includes the wetland and watercourse dominated coastal hinterland</u></p> <ul style="list-style-type: none"> • Striking interface with Te Tai-o-Rēhua/ the Tasman Sea – sheer cliffs and scarps plunge dramatically to the sea with the eroded dunelands and coastal terraces providing an impressive sense of the landscapes formative processes. • Continuous pristine mature coastal and lowland forest cover impart a very strong sense of naturalness, together with the dramatic terrain. <p>This area is entirely devoid of development.</p>
NCA5	Neil's Beach	<p>Outstanding natural character. Highly exposed coastal escarpment fronted by a sandy beach and dune field and rocky outcrops. <u>Includes the bush clad hill slopes backdropping the bay</u></p> <ul style="list-style-type: none"> • Natural qualities are clearly evident in the coastal landforms, beach, outcrops, with indigenous vegetation reinforcing topography, exposure and dynamic coastal processes. • Dramatic engagement with Te Tai-o-Rēhua/ the Tasman Sea. Backed by forest covered foothills including Burmeister Tops with views of Jackson Head and the Alps across Okahu/ Jackson Bay. • Coastal vegetation along the seaward edge of Haast - Jackson Bay Road. <p>Amalgam of raw landforms, natural vegetation patterns and isolated beachfronts impart a strong sense of wildness and remoteness.</p>
NCA7	Arawhata River mouth <u>and</u>	Outstanding natural character.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
 General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

	<p><u>coastline to Waitoto</u></p>	<p>Remote and isolated sequence of exposed beaches, low lying mature coastal forest, eroded dune lands and wetlands, and the braided river mouth of the Arawhata River.</p> <ul style="list-style-type: none"> • Continuous pristine mature coastal and lowland forest cover. • This landscape is highly expressive of the interplay between the Arawhata River mouth and Te Tai-o-Rēhua/ the Tasman Sea . The tidal rhythm of the sea also provides a counterpoint for the rivers natural variations of flow, clarity and flood cycles. • Inland dune dammed waterbodies are expressive of the coastal environment’s formative processes. • Backed by forest covered foothills of Mt Mclean and the Haast Range beyond. • Limited presence of any development. <p>Unmodified vegetation sequences from dunefields to mature coastal forest create a strong sense of naturalness.</p>
<p>NCA8</p>	<p>Waitoto/Waiatoto River Mouth</p>	<p>Outstanding natural character. Isolated and modest bach community enclosed and integrated amongst mature coastal forest and flanked by the mouth of the Waitoto River.</p> <ul style="list-style-type: none"> • Highly dynamic and dramatic interaction/ relationship between the river mouth and the open waters of Te Tai o Rēhua/ the Tasman Sea. • Backed by extensive mature forest which extends towards the Selborne and Haast Ranges. • A scattering of baches and pasture occupy the shoreline near Haast Jackson Bay Road although they do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit. • The dramatic exposure of the opens waters of Te Tai o Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness. <p>The tidal rhythm of the sea also provides a counterpoint for the rivers natural variations of flow, clarity and flood cycles.</p>
<p>NCA9</p>	<p>Waiatoto/Waiatoto Lagoon and wetland <u>and coastal hinterland to Okuru</u></p>	<p>Outstanding natural character. Remote and isolated sequence of exposed beaches, low lying mature coastal forest, eroded dune lands and wetlands.</p> <ul style="list-style-type: none"> • This landscape is highly expressive of the interplay between the Waitoto River mouth and Lagoon and

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

		<p>Te Tai-o-Rēhua/ the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river’s natural variations of flow, clarity and flood cycles.</p> <ul style="list-style-type: none"> • Dramatic engagement with Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness. • Unmodified vegetation sequences from dunefields to continuous pristine mature coastal and lowland forest cover. <p>Dune dammed lagoon is expressive of the coastal environment’s formative processes.</p>
NCA10	Hannah’s Clearing	<p>Outstanding natural character. A broad sweeping ocean beach backed by patches of low lying mature coastal forest, eroded dune lands, and pasture.</p> <ul style="list-style-type: none"> • Highly dynamic and dramatic interaction/ relationship between the beach and dune field and the open waters of Te Tai o Rēhua/ the Tasman Sea. • Backed by extensive mature forest which extends towards the Selborne and Browning Ranges. • The presence of pasture, Haast Jackson Bay Road, and powerlines do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit. <p>The dramatic exposure of the open waters of Te Tai o Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness.</p>
NCA14	Awarua/Haast River mouth (eastern shoreline) <u>and coastline to the Waita River</u>	<p>Outstanding natural character. Exposed braided river mouth surrounded by low lying mature coastal forest, eroded dune lands and wetlands.</p> <ul style="list-style-type: none"> • This landscape is highly expressive of the interplay between the Haast River mouth and Te Tai-o-Rēhua/ the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river’s natural variations of flow, clarity and flood cycles. • Continuous pristine mature coastal and lowland forest cover. • Inland dune dammed waterbodies are expressive of the coastal environment’s formative processes. <p>Backed by forest covered foothills of Mt Mclean and the Haast Range beyond.</p>
NCA16	Waitaha/ Waita River -	<p>Outstanding natural character. Remote and isolated sequence of exposed beaches, low lying mature coastal forest, eroded dune lands and dune dammed wetlands.</p>

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

	<p>Tauparikaka/Ship Creek <u>Cole Creek</u></p>	<ul style="list-style-type: none"> • Continuous pristine mature coastal and lowland forest cover. • Dramatic engagement with Te Tai-o-Rēhua/the Tasman Sea enhances the sense of remoteness and wildness. • Inland dune dammed waterbodies are expressive of the coastal environment’s formative processes. • Unmodified vegetation sequences from dune fields to mature coastal forest create a strong sense of naturalness. • Backed by extensive mature coastal forest which leads up to the Mataketake Range. <p>The presence of walking tracks, carpark, and shelter at Tauparikaka/Ship Creek, as well as SH6 does not detract from the highly expressive natural processes and elements that are the dominant feature of the unit.</p>
<p>NCA20</p>	<p><u>Māori beach to</u> Makaawhio Point</p>	<p>Outstanding natural character. Remote sequence of exposed coastal slopes, points, rocky shoals, outcrops, islets, bluffs, broad beaches, dune lands, lagoons, and wetlands.</p> <ul style="list-style-type: none"> • Varied amalgam of raw and exposed landforms, windswept vegetation and isolated beach fronts impart a strong sense of wildness and remoteness. • Striking interface with Te Tai-o-Rēhua/the Tasman Sea. Sheer cliffs and scarps at Jacobs Bluff plunge dramatically into the sea. • Dramatic stand of mature wind swept rimu forest flanks Sandy Beach and imparts a strong sense of naturalness – rare sight of climatic species at the coastal edge. • This area is virtually devoid of development or modification although it adjoins areas of pasture in the Makaawhio River valley. <p>Highly dynamic and dramatic interaction / relationship between the braided river mouth of the Makaawhio River and the open waters of Te Tai-o-Rēhua/the Tasman Sea.</p>
<p>NCA22</p>	<p>Manakaiaua/Hunt Beach to Karangarua and Te Wehenga/Cook River mouths <u>and</u> <u>Otorokua Point</u></p>	<p>Outstanding natural character. Remote and isolated sequence of exposed beaches, coastal bluffs and escarpments, low lying mature coastal forest, braided river mouths, dune fields, and wetlands.</p> <ul style="list-style-type: none"> • Continuous pristine mature coastal and lowland forest cover. • Highly dynamic and dramatic interaction / relationship between the extensive braided river

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

		<p>systems of the Karangarua and Wehenga/Cook Rivers, associated sand bar and the open waters of the Tasman Sea.</p> <ul style="list-style-type: none"> • Unmodified vegetation sequences from dunefields to mature coastal forest impart a strong sense of naturalness. <p>Striking interface with Te Tai-o-Rēhua/the Tasman Sea. Sheer cliffs and scarps including Cook Bluff plunge dramatically into the sea.</p>
NCA39	Rapahoe Nine Mile Bluff to Seventeen Mile Bluff	<p>Sequence of coastal bluffs and escarpments interspersed by rocky shoals and sandy bays.</p> <ul style="list-style-type: none"> • Varied amalgam of raw and exposed landforms, strong elevated relief, windswept vegetation which impart a strong sense of naturalness. • Mature wind swept coastal forest across the escarpment enhances the sense of naturalness and wildness. • Striking interface with the Tasman Sea. Sheer cliffs and scarps at numerous points along the coast which plunge dramatically into the sea. <p>The presence of SH6 coastal road does not detract from the highly expressive natural processes and elements which are the dominant feature of the unit.</p>
NCA44	Woodpecker <u>Irimahuwheri</u> Bay foothills to <u>Deep Creek</u> Needle Point	<p>Sequence of coastal bluffs and escarpments vegetated in mature coastal forest that <u>extend along the coastline at Irimahuwheri Bay, Meybille Bay and Hatters Bay</u> wrap around the back of Woodpecker Bay <u>Pahautane and Kaipataki Point</u> and continue along the coast to <u>Deep Creek</u> Needle point. An assemblage of craggy headlands and points, rock shoals and outcrops characterise the latter part of this coastline.</p> <ul style="list-style-type: none"> • Interplay of exposed headlands, craggy buffs, vegetated escarpments accentuate the dynamic and expressive coastal processes that have and continue to shape the coastal environment. • Striking interface with the Tasman Sea. Sheer cliffs and scarps including Needle Point plunge dramatically into the sea. <p>Continuous mature windswept coastal forest across the escarpment enhances the sense of naturalness and wildness.</p>
NCA46	Doctor Bay to Little Beach	<p>An assemblage of coastal and river embayments enclosed by a series of low knolls and headland including Doctor Bay, Constant Bay, Joyce Bay, and Nile River Bay.</p>

		<ul style="list-style-type: none"> • This landscape is highly expressive of the interplay between the embayment’s and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the rivers natural variations of flow, clarity and flood cycles. • Diverse coastal forest comprising mature beech and rimu as well as wind swept coastal scrub and flax across the more exposed headland landforms. The vegetation patterns also reinforce the enclosing landforms. • Very intimate and discrete landscape that is strongly focused towards the Nile River. <p>The weathered landforms, vegetation patterns and the prominence of the embayment’s and Nile River provide a very strong sense of naturalness despite the presence of nearby dwellings and infrastructure.</p>
<p>NCA55</p>	<p><u>Mōkihinui River mouth</u></p>	<p><u>Extensive saltwater lagoon enclosed by a vast exposed beach and dunefield and fed by the Mōkihinui River.</u></p> <ul style="list-style-type: none"> • <u>This landscape is highly expressive of the interplay between the Orōwai Mōkihinui River mouth and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river’s natural variations of flow, clarity and flood cycles.</u> • <u>Dune landform enclosing the lagoon is expressive of the coastal processes.</u> • <u>Regenerating to mature coastal forest covers much of the escarpment along the northern side of the river.</u> • <u>While the prominence of adjoining pasture, farming activities, and development along the shoreline of the river affect the perceived intactness and cohesion of the coastal environment, they do not overly detract from the highly expressive and natural processes of the river that dominate the local landscape.</u> <p><u>Backed by coastal foothills covered in mature forest with views towards the Radiant and Glasgow Range’s beyond.</u></p>
<p>NCA56</p>	<p><u>Mōkihinui River/</u> Gentle Annie Point to Little Wanganui Head</p>	<ul style="list-style-type: none"> • Remote sequence of exposed coastal ranges, cliffs and headlands with a series of rocky shoals, outcrops, islets, bluffs, and broad beaches, as well as eroded dune lands and wetlands. • Varied amalgam of raw and exposed landforms, natural vegetation patterns and isolated beachfronts and bays impart a strong sense of wildness and remoteness. • Strong elevated relief. • Striking interface with the Tasman Sea — sheer cliffs and scarps plunge dramatically to the sea with the eroded

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai**

		<p>dunelands and coastal terraces providing an impressive sense of the landscapes formative processes.</p> <ul style="list-style-type: none"> • Extensive native lowland forest with windswept and stunted shrublands on exposed faces. • Dramatic engagement with the Tasman Sea. • Backed by the Karamea Bluff Ecological Area
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3.13. Planning Maps and Schedules - Coastal Environment Overlay

Submissions and Further Submissions

707. Sixty-three submission points sought review of the Coastal Environment Overlay, and 16 further submissions were received in relation to some of these submissions. These were summarised in a table on pages 196-200 of the s42A Report. Ms Easton summarised the outcomes sought in paragraph 540 of the s42A Report.

Section 42A Report

708. Ms Easton noted that Ms Gilbert had reviewed the Coastal Environment overlay, as discussed in her evidence, and considered the methodology underpinning the overlay boundary was sound. She was of the view that the updated Stephen Brown mapping was generally preferred over the notified mapping. The s42A Report listed the following areas where Ms Gilbert considered there were exceptions to this:

- Refinement of the mapping along the coastline between Seaview and Donoghues, where minor refinement was needed in the vicinity of Adair Road, Lake Tarleton and Sandstone Creek.
- Refinement of the mapping along the coastline between Donoghues and Abut Head, where minor refinement was needed in the vicinity of the Wanganui River.
- Refinement of the mapping along the coastline between Abut Head and Makaawhio Point, where minor refinement was needed in the vicinity of the Waiho River and Docherty Creek.
- Refinement of the mapping along the coastline between Makaawhio Point and Arnett Point, where reconsideration and expansion of the Coastal Environment was needed in the vicinity of the Tawharekiri Lakes, the swamplands to the north and south of the Okura River, the swamp dominated hinterland of Hannah’s Clearing and the swamp land in the vicinity of Mt Mclean.
- The southern end of the coastline between Jackson Head and Awarua Point.

709. Ms Easton noted that the updated mapping increased the extent of the overlay considerably in some locations, but that this was the relief sought by several submitters²⁷² that requested a review of the boundaries to implement NZCPS Policy 1 and the WCRPS. Ms Easton considered this outcome was preferable to the approach sought by Forest and Bird (560.032), which requested the boundary be amended to 2km landward of the coastal marine area. She

²⁷² West Coast Penguin Trust (S275.007), John Caygill (S290.001), Suzanne Hills (S443.032 and S443.033), Clare Backes (S44.012), Inger Perkins (S462.023), Katherine Gilbert (S473.014), Forest and Bird (S560.031), Brian Anderson (S576.008) and Director General of Conservation (S602.138).

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

also preferred this to the relief sought by Misato Nomura (\$151.001), which requested reversion to a blanket 150 from MHWS from the Buller District Plan.

710. Ms Easton considered that replacing the notified overlay with that of the updated Stephen Brown mapping, subject to Ms Gilbert’s recommended amendments, gives effect to NZCPS Policy 1. On that basis she supported the submission points from West Coast Penguin Trust, John Caygill, Suzanne Hills, Clare Backes, Inger Perkins, Katherine Gilbert, Forest and Bird, Brian Anderson and Department of Conservation.
711. Ms Easton noted that a number of submissions sought that the extent of the coastal environment be reduced. She highlighted the extent of the overlay was driven by the requirements of NZCPS Policy 1, and noted that submitters seeking reductions did not reference the NZCPS or the actual physical extent of the coastal environment, but were concerned about restrictions on landowners. Ms Easton did not support these submissions, noting that the TTPP was required to give effect to the NZCPS and WCRPS.
712. Grey District Council (\$608.079), Buller District Council (\$538.310) and Westpower (\$547.414) sought that the Coastal Environment be removed from the urban parts of the West Coast. This was initially supported by Ms Easton but following the first day of the hearing she amended her recommendation to reject these submissions based on the direction of the NZCPS. Ms Easton clarified that while the CE rules did not apply in these areas, the proposed plan framework enabled an assessment of the relevant objectives and policies where a resource consent was triggered. Ms Easton considered this was appropriate and consistent with the intent of the NZCPS. She also noted that this approach was used in other recently prepared district plans.
713. Several submitters sought amendments to the overlay in relation to specific locations. Ms Easton summarised her recommendations in a table, as shown below:

Submission	Location/Issue	Recommendation
Misato Nomura (\$151.010)	Kawatiri Place/Eastons Road, Westport	Accept in part – remove Coastal Environment from urban area of Westport including Eastons Road
Joanne and Ken Dixon (\$213.005)	Snodgrass Road, Westport	Accept in part – remove Coastal Environment from urban area of Westport including Snodgrass Road
Jane Neale (\$262.001)	Okārito	Accept in part – updated mapping includes the lagoon waters
John Helen & Brett Hadland (\$318.002)	1298 Kumara Junction Highway – Chesterfield Terrace, Awatuna	Reject. Area is HCNC. Retain coastal environment.
Tony Schroder (\$343.003), Emi Schroder (\$369.002)	Chesterfield Terrace, Awatuna	Reject at this time. Area is HCNC but the submitter is invited to provide more detailed information as regards the

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

		alignment they consider appropriate in this location
John Brazil (S360.026)	Utopia Road, Westport	Accept in part - remove Coastal Environment from urban area of Westport including Snodgrass Road, retain Coastal Environment at Utopia Road
Jane Whyte and Jeff Page (S467.005, S467.034)	11 Owen St, Punakaiki	Reject. Retain coastal environment at Punakaiki
Kyle Avery (S509.062) (and other similar submissions from other submitters)	60 Orowaiti Road, Westport	Accept in part - remove Coastal Environment from urban area of Westport including Orowaiti Road
Forest and Bird (S560.031) (and other similar submissions from other submitters)	Entire West Coast	Accept in part – adopt updated mapping to ensure that locations not included in the coastal environment in the notified Plan are included. Do not map urban areas of Westport, Hokitika and Greymouth in the coastal environment.
Catherine Smart - Simpson (S564.062) (and other similar submissions from other submitters)	Entire West Coast	Accept in part – adopt updated mapping to include the recommended amendments (additions and reductions) in the extent of the coastal environment. Do not map urban areas of Westport, Hokitika and Greymouth in the coastal environment.
William McLaughlin (S567.342) (and other similar submissions from other submitters)	Entire West Coast	Accept in part – adopt updated mapping to include the recommended amendments (additions and reductions) in the extent of the coastal environment. Do not map urban areas of Westport, Hokitika and Greymouth in the coastal environment.

Hearing and Submitter Evidence/Statements

714. Ms Lever and Mr Tinney spoke on behalf of themselves, John, Helen and Brett Hadland and Tony, and Emi Schroder, as outlined above. They accepted that the front/face of the middle Chesterfield Terrace had a degree of coastal environment connection, but considered that public amenity value stops at the terrace edge. The submitters noted that it was difficult to access good mapping to define the terrace edge, so had drawn a line on the WDC aerial image to indicate its approximate location. They considered that, as notified, the overlay would result in the landowners being forced to undertake expensive resource consent applications and ecological assessments. They sought that the CE overlay was corrected.

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai**

715. Mr Kennedy, for Westpower, considered the s42A Report recommendations on the CE overlay did not appropriately identify or provide for existing Westpower activities or infrastructure. He noted that the proposed amendments to the mapping captured infrastructure that was previously located outside the overlay and was concerned about the regulatory impact of such a change, including on electricity supply throughout the West Coast. He considered the issues discussed in relation to CE-P3 were also relevant here.
716. Mr Kennedy supported removing the urban area from the coastal environment overlay. He considered that some isolated areas of the overlay inland of Greymouth that would provide for the town's expansion should also be removed from the overlay. He also noted that other infrastructure, long standing activities and roads could be managed in terms of the underlying zone provisions.

Reporting Officer Evidence in Reply

717. Ms Easton confirmed that in relation to zoning offshore islands, the Director General and the Ministry for the Environment had advised that all land above mean high water springs and within the 12-mile limit of the West Coast must be zoned.

Hearing Panel's Evaluation

718. The Panel considers the process used to identify the Coastal Environment was appropriate and consistent with the direction of the NZCPS. We agree with Ms Easton's revised recommendation to not remove urban areas from the coastal environment because this would not be consistent with Policy 1 of the NZCPS.
719. The Panel notes that Ms Easton and Ms Gilbert acknowledged that the boundary had primarily been defined based on the landscape and natural character assessments undertaken by Mr Brown. Ms Easton acknowledged the other elements (coastal processes, risk from natural hazards, habitats of indigenous coastal species (including migratory birds) and cultural and historic heritage) of relevance in recognising the extent of the Coastal Environment. We note that NZCPS Policy 1 specifically recognises that physical resources and built facilities, including infrastructure, may have modified the coastal environment.
720. The Panel has carefully considered the submissions and accept Ms Easton's recommendations, acknowledging that most of the region is arguably within the coastal environment, by recognising the areas that are most closely connected to and inter-related with the coastal marine area. We accept this is a pragmatic and realistic approach, while still being consistent with the direction of the NZCPS. Overall, we consider there is no valid justification to reduce the extent of the coastal environment while still giving effect to the NZCPS. The Panel accepts the exceptions to this based on the evidence of Ms Gilbert in areas such as Chesterfield Terrace in response to submitters.
721. The Panel considers the concerns raised by Mr Kennedy on behalf of Westpower should not be addressed through amending the Coastal Environment, but instead through the CE rules, which is addressed above. We consider existing infrastructure is appropriately recognised and provided for, but acknowledge that there will be situations where a resource consent will need to be applied for, and that this is also appropriate under the higher order statutory direction.

Hearing Panel's Recommendation

722. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the changes to the **Coastal Environment Overlay** as follows:

Coastal Environment overlay

The coastal environment maps are updated as per the recommendations in the report of Bridget Gilbert in Appendix 3 to the s42A Report.



Dean Chrystal
Hearings Panel – Chair



Anton Becker
Hearings Panel Member



Sharon McGarry
Hearings Panel Member



Maria Bartlett
Hearings Panel Member



Paul Rogers
Hearings Panel Member

Date: 19 September 2025

APPENDIX ONE – RECOMMENDATIONS

Relationship between Spatial Layers Chapter	
Overlays	
Name	Description
General Coastal Environment Area	Areas of the coastal environment outside of the urban area where human values dominate over natural character
Coastal Environment	<u>Extent of area that meets Policy 1 of the NZCPS. The coastal environment extends from Mean High Water Springs inland over the mapped area as identified in the Planning Maps.</u>
Definitions	
STATUTORY AGENCY	
means in relation to construction of natural hazard mitigation structures, a District or Regional Council, Waka Kotahi – New Zealand Transport Agency, Transpower New Zealand, KiwiRail New Zealand, the Department of Conservation <u>or any network utility operator.</u>	

Coastal Environment Chapter

Overview
<p>The West Coast/Te Tai o Poutini Coastline stretches from Kahurangi Point in the north of the Buller District to Awarua Point in South Westland - a distance of more than 500 kilometres. The natural character, landscape and biodiversity values of this coastal environment contribute to the distinctive and unique character of the West Coast/Te Tai o Poutini. The narrow strip of land between the mountains and the sea in the West Coast/Te Tai o Poutini means that most of the community lives on or near the coast - with three of the four major towns and many small settlements being located on or near the coast. <u>in parts of the coastal environment a significant level of development, infrastructure and other activities occur, including where these have a functional need or operational need to locate in the coastal environment. Many of these activities are integral components in ensuring resilience, and enabling the social, cultural and economic wellbeing of communities throughout the West Coast.</u></p> <p>The Buller, Grey and Westland District Councils are responsible for managing activities on land - the landward side of Mean High Water Springs (MHWS) and the West Coast Regional Council is responsible for activities in the Coastal Marine Area - the land seaward of MHWS. Integrated management is needed to manage activities that cross the jurisdictional boundary between the regional and territorial authorities, as well as with the Department of Conservation and Poutini Ngāi Tahu.</p> <p>Approach to managing the coastal environment</p> <p>Te Tai o Poutini Plan must give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS), which requires a strategic approach to managing development on the West Coast/Te Tai o Poutini. Te Tai o Poutini Plan achieves this by identifying and mapping a Coastal Environment overlay <u>on the planning maps</u> that recognises the <u>landward</u> extent and characteristics of the coastal environment where coastal natural character and coastal processes (including coastal erosion), influences or qualities are significant. <u>This extent was determined with reference to Policy 1 of the New Zealand Coastal Policy Statement (2010). Within this coastal environment areas of High Coastal Natural Character (HCNC), Outstanding Coastal Natural Character (OCNC) and Outstanding Natural Landscapes</u></p>

(ONLs) within the Coastal Environment are also identified and mapped as overlays in the Plan. The NZCPS also requires protection of areas of significant indigenous biodiversity and the avoidance of significant adverse effects on all indigenous biodiversity values in the coastal environment. Provisions for indigenous vegetation and biodiversity management within the coastal environment are located in the Ecosystems and Biodiversity Chapter. Within this coastal environment close collaboration with other bodies and agencies with functions relevant to the coastal environment is required.

Natural Character, Landscape and Natural Features

The ~~protection~~ **preservation** of the natural character of the coastal environment and its **protection from inappropriate subdivision, use and development** is a matter of national importance under the RMA and a requirement of the NZCPS. This chapter contains the overarching objective and policy framework and rules to **preserve and** protect ~~and manage~~ the natural character of the coastal environment.

Because of the very high natural values associated with the coastal environment in parts of the West Coast/Te Tai o Poutini, Te Tai o Poutini Plan also identifies areas within the coastal environment which are:

- High coastal natural character detailed in Schedule Seven;
- Outstanding coastal natural character detailed in Schedule Eight.

Alongside this, there are outstanding natural landscapes in Schedule Five and outstanding natural features in Schedule Six identified in the coastal environment. Areas of outstanding natural character, outstanding natural landscape and outstanding natural features within the coastal environment are known as the Outstanding Coastal Environment Area within the rules. The rules below are grouped into different categories to reflect these different areas within the Coastal Environment.

Coastal Natural Hazards

The NZCPS also requires Te Tai o Poutini Plan to identify coastal natural hazards and to manage subdivision, use and development within areas potentially affected by coastal hazards over a 100 year timeframe, including taking into account the effects of climate change. Because of the complex interaction of natural hazards at the coast - particularly around river mouths, and the overlap with flood hazards, coastal hazard provisions are included within the Natural Hazards Chapter.

Plantation/Commercial Forestry

Plantation forestry is principally regulated by the Resource Management (National Environmental Standard for ~~Plantation~~ **Commercial** Forestry) Regulations 2017 (NES-~~PCF~~). However, the NES-~~PCF~~ allows that district plans ~~can~~ **to** be more stringent in relation to any of policies 11, 13, 15, and 22 of the New Zealand Coastal Policy Statement 2010.

Policy 13 of the NZCPS relates to the preservation of natural character and therefore more stringent rules can be applied to areas with outstanding and high natural character within the coastal environment. Where provisions within this chapter over-rule the requirements of the NES - ~~PCF~~ an advice note to that effect is included within the Rule.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter and the underlying zone chapter, a number of Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities within the coastal environment, including:

- **Strategic Direction – The strategic objectives and policies set out the overarching direction for Te Tai o Poutini Plan.**
- **Indigenous Biodiversity** - The objectives, policies and rules in relation to clearance of indigenous vegetation in the coastal environment are located in the ECO - Ecosystems and **Indigenous** Biodiversity Chapter.
- **Sites and Areas of Significance to Māori** - The coastal environment is of high significance to Poutini Ngāi Tahu, who have kaitiakitanga and rangatiratanga responsibilities in respect of it. Many Statutory Acknowledgement Areas are also within the coastal environment. The Sites and Areas of Significance to Māori Chapter contains objectives, policies and rules relating to the protection of these important cultural areas.
- **Public Access** - The Public Access Chapter contains additional provisions relating to recreational and public access to and along the coastal environment, in particular relevant objectives and policies.
- **Energy, Infrastructure and Transport – These chapters contain the objectives, policies and rules for managing energy activities, infrastructure and transport. These apply alongside the General District-Wide provisions, including the Coastal Environment provisions within this chapter.**

Coastal Environment Objectives	
CE - O1	To preserve natural character, <u>and protect natural features and</u> landscapes and biodiversity of <u>in</u> the coastal environment <u>from inappropriate subdivision, use and development, and protect areas of significant indigenous biodiversity.</u> while enabling people and communities to provide for their social, economic and cultural wellbeing in a manner appropriate for the coastal environment.
<u>CE – O2</u>	<u>To enable people and communities to provide for their social, economic and cultural wellbeing and their health and safety, through appropriate subdivision, use and development.</u>
<u>CE - O23</u>	The relationship of Poutini Ngāi Tahu with their cultural values, traditions, interests and ancestral lands in the coastal environment is recognised and provided for and Poutini Ngāi Tahu are able to exercise tino rangatiratanga and kaitiakitanga.
<u>CE – O34</u>	To provide for activities which have a functional need <u>or operational need</u> to locate in the coastal environment, <u>including regionally significant infrastructure and mineral extraction activities, in such a way while ensuring</u> that the impacts <u>adverse effects, including cumulative adverse effects,</u> on natural character, landscape, natural features, <u>coastal processes,</u> access, <u>ecosystems</u> and biodiversity values are <u>minimised avoided, remedied or mitigated.</u>

- CE - P1** Identify and map a Coastal Environment overlay that recognises and provides for the extent of the coastal environment and different areas, elements or characteristics within it, including:
- a. Areas where coastal processes, influences or qualities are significant **including coastal lakes, lagoons, tidal estuaries, saltmarshes and coastal wetlands and their margins;**

- b. Elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
- c. Areas along the coast and river mouths where coastal erosion and coastal inundation is likely, and within the wider coastal environment where there is a potential hazard risk ~~should accelerated sea level rise occur~~;
- d. Historic heritage and Poutini Ngāi Tahu ~~cultural areas or features~~ values;
- e. Islands;
- f. Inter-related coastal marine and terrestrial systems, including the intertidal zone;
- ~~e.g.~~ Areas of significant coastal vegetation and habitat of indigenous coastal flora and fauna species, including migratory birds; and
- ~~f.h.~~ The built environment and infrastructure which have modified the coastal environment.

CE - P2 Preserve the natural character, and protect indigenous biodiversity and natural features and landscapes by avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on areas outside of Outstanding Coastal Environment areas, including within areas of high coastal natural character. ~~qualities and values of areas within the coastal environment that have:~~

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

CE - P3 Only allow new subdivision, use and development within areas of outstanding ~~and high~~ coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features where:

- a. The elements, patterns, processes and qualities that contribute to the outstanding or high natural character or landscape are maintained;
- b. ~~Significant adverse effects on natural character, natural landscapes and natural features, and~~
- c. ~~A~~ adverse effects on areas of significant indigenous biodiversity, ~~areas of outstanding natural character and~~ Outstanding Coastal Environment areas natural landscapes and features are avoided;
- ~~c.d.~~ The development is of a size, scale and nature that is appropriate to the environment;
- ~~d.e.~~ It is for: a
 - i. Poutini Ngāi Tahu activities; or
 - ii. Māori Purpose Activities within the Māori Purpose Zone; or
 - iii. Cultural harvest purpose; or

	<p>e-f. It is National Grid infrastructure that has a functional and <u>or</u> operational need to locate in these areas.</p> <p>c. <u>It has a minor or transitory effect.</u></p>
CE - P4	<p>Provide for primary production activities within <u>areas of</u> the outstanding and high natural character, outstanding natural landscapes and outstanding natural features within the coastal environment where:</p> <p>a. These are existing lawfully established activities <u>and associated lawfully established buildings and structures; and</u> or</p> <p>b. The use does not degrade <u>protects</u> the elements, patterns or processes that contribute to the outstanding or high <u>natural character</u> values; <u>and</u></p> <p>c. <u>Adverse effects on outstanding natural character, outstanding natural landscapes and outstanding natural features are avoided.</u></p>
CE - P5	<p>Provide for buildings and structures within the coastal environment outside of areas of outstanding coastal natural character, outstanding natural landscape and outstanding natural features where these:</p> <p>a. Are existing lawfully established <u>buildings or</u> structures; or</p> <p>b. Are of a size, scale and nature that is appropriate to the area; or</p> <p>c. Are in the parts of the coastal environment that have been historically modified by built development, <u>infrastructure</u> and primary production activities; or</p> <p>d. Have a functional <u>need</u> or operational need to locate within the coastal environment; <u>or</u></p> <p>e. <u>Are new renewable electricity generation activities</u> where the coastal environment is where the renewable electricity resource is available;</p> <p>f. <u>Are of a size, scale and nature that is appropriate to the area; and</u></p> <p>g. <u>Ensure that significant adverse effects on amenity, natural character, historic and cultural values, and indigenous biodiversity are appropriately managed.</u></p>
CE - P6	<p>Recognise that there are existing settlements and urban areas located within the coastal environment of the West Coast/Te Tai o Poutini including <u>parts</u> areas on the edges of Westport, Greymouth and Hokitika and enable new subdivision, buildings and structures <u>use and development</u> within and expansion of towns and settlements where: a. <u>These activities are located in areas already modified by built development or primary production activities.</u> or</p>
<u>CE - P7</u>	<p>a. Where located in unmodified areas, any adverse impact on natural character can be mitigated;</p> <p>b. In areas of outstanding or high natural character:</p> <p>vi. a. Provide for lawfully established land uses and activities to continue;</p>

	<p>vii. b. AllowProvide for other uses with a functional need <u>or operational need</u> to locate in the coastal environment;</p> <p>viii. c. Allow for Poutini Ngāi Tahu Activities and Māori Purpose Activities-cultural uses;</p> <p>ix. d. Avoid encroachment into unmodified areas of the coastal environment; and</p> <p>x. e. Ensure subdivision, use and development is of a scale and design where adverse effects on the elements, patterns and processes that contribute to natural character are minimised avoided, remedied or mitigated.</p>
<p>CE - P7 <u>PA - P2</u></p>	<p>Reduction in public access to the coastal environment can be considered when coastal hazard mitigation works are required to protect communities from a significant natural hazard threat or for health and safety reasons. When assessing proposals for natural hazard structures a reduction in public access, measures to minimise effects on public access should will be considered and ways to minimise them found, including:</p> <ol style="list-style-type: none"> a. Provision of alternate certain and enduring access; and b. Provision of public amenity or opportunity for environmental benefit including along the any natural hazard mitigation structure, provided that the physical integrity and function of the structure is maintained.
<p>CE - P8</p>	<p>Enable the maintenance, repair, and operation and minor upgrade of the National Grid. Where new development and upgrades of the National Grid are required, seek to avoid and otherwise remedy or mitigate adverse effects on Overlay Chapter areas.</p>

<p>CE - R1 Maintenance and repair and <u>minor upgrade</u> of lawfully established structures, network utilities, renewable electricity generation activities, <u>regionally significant infrastructure</u>, fence lines and tracks within the Coastal Environment</p>	
<p>Activity Status Permitted</p>	
<p>Where:</p>	
<ol style="list-style-type: none"> 1. When the maintenance and repair or minor upgrade is within an area of High Coastal Natural Character or the Outstanding Coastal Environment: <ol style="list-style-type: none"> a. The activity is limited to what is necessary to maintain the existing structure or undertake the minor upgrade, within the footprint or modified ground compromised by the existing structure; and b. The activity does not involve the installation of any new structures. 	
<p>Activity status where compliance not achieved: <u>N/A</u></p>	
<p>Advice Notes:</p>	
<ol style="list-style-type: none"> 1. Any indigenous vegetation clearance associated with maintenance and repair is subject to the provisions in the Ecosystems and Indigenous Biodiversity Chapter. 	

2. Works shall not undermine or have an adverse effect on any hazard mitigation/protection measure that exists within the coastal environment.
3. Where activities occur within Scheduled areas included within other Overlay Chapter Areas, then the relevant Overlay Chapter Rules also apply.
4. Refer to relevant rules for the High Coastal Natural Character Area and Outstanding Coastal Environment.
5. **Where earthworks are proposed as part of maintenance and repair, refer to the rules in the Earthworks Chapter.**

CE - R2 Conservation Activities within the Coastal Environment

Activity Status Permitted

Advice Note:

1. Any indigenous vegetation clearance associated with conservation activities is subject to the provisions in the Ecosystems and Indigenous Biodiversity Chapter.
2. Works shall not undermine or have an adverse effect on any hazard mitigation/protection measure that exists within the coastal environment.
3. Where activities occur within Scheduled areas included within other Overlay Chapter Areas, then the relevant Overlay Chapter Rules also apply.

Activity status where compliance not achieved: N/A

CE - R3 Māori Purpose Activities and Ancillary Buildings in the Coastal Environment

Activity Status Permitted

Where:

1. ~~These are~~ **This is cultural harvest of cultural materials; or**
2. **These are:**
 - a. ~~Poutini Ngāi Tahu activities, including cultural harvest of vegetation, mahinga kai, collection of Pounamu, Aotea stone or rock; or~~
 - b. Māori Purpose Activities undertaken within the Māori Purpose Zone undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan that includes an assessment of, and mitigation of, impacts on the coastal environment values, including, where relevant, natural character, natural landscape and natural features.

Advice Notes:

1. Any indigenous vegetation clearance associated with Poutini Ngāi Tahu or Māori Purpose Activities is subject to the provisions in the Ecosystems and Indigenous Biodiversity Chapter.
2. Works shall not undermine or have an adverse effect on any hazard mitigation/protection measure that exists within the coastal environment.
3. Where activities occur within Scheduled areas included within other Overlay Chapter Areas, then the relevant Overlay Chapter Rules also apply.

Activity status where compliance not achieved: Restricted Discretionary

CE - R4 Buildings and Structures in the Coastal Environment

Activity Status Permitted

Where:

1. These are not located within:

- a. ~~An~~ **The Outstanding Coastal Environment area; or** Natural Landscape identified in Schedule Five;
 - b. ~~An Outstanding Natural Feature identified in Schedule Six;~~
 - c. ~~b~~ An area of High Coastal Natural Character identified in Schedule Seven; and subject to Rule CE – R5;
 - d. ~~An area of Outstanding Coastal Natural Character identified in Schedule Eight; and~~
2. These **are**:
- a. **Buildings and structures that c**Comply with the rules for buildings and structures within the relevant zone, except that within the GRUZ - General Rural Zone, RLZ - Rural Lifestyle and SETZ - Settlement Zone **OSZ - Open Space Zone and the NOSZ – Natural Open Space Zone:**
 - i. Maximum height is 7m for new buildings;
 - ii. No height limits apply where this is replacement of a lawfully established building with another building of the same height, in the same location; and
 - iii. The gross ground floor area is:
 - I. A maximum of 200m² per building for new buildings;
 - II. No maximum area where this is the replacement of a lawfully established building with another building of the same ground floor area, in the same location; ~~or~~ **and**
 - iv. **New buildings are set back 25m from Mean High Water Springs except where these are:**
 - I. **New network utility buildings, where these are located within a legal road reserve; or**
 - II. **Parks facilities or parks furniture within any OSRZ - Open Space and Recreation Zone; or**
 - III. ~~Are~~ Energy Activities or Network Utilities, including ancillary earthworks, subject to provisions **that are permitted activities** in the Energy, Infrastructure and Transport Chapters of the Plan; or
 - b. ~~Are natural hazard mitigation structures constructed by a Statutory Agency or their authorised contractor.~~

Advice Notes:

1. Refer to the ~~Natural Hazards, Sites and Areas of Significance to Māori, Historic Heritage, Natural Character and Margins of Waterbodies Overlay Chapters~~ **and zone chapters** for **other** rules in relation to buildings and structures in these areas.

2. For the avoidance of doubt, within the General Rural, Rural Lifestyle, Settlement and Open Space and Recreation Zones, outside of scheduled areas, this rule regulates new buildings only, not structures, or any additions to existing buildings.

Activity status where compliance not achieved:

Outside of the scheduled overlay chapter areas and the **RURZ** Rural Zones **and NOSZ – Natural Open Space Zone**, the relevant zone rules apply.

In the case of Energy Activities and Network Utilities the relevant Energy, Infrastructure or Transport Rules apply.

Otherwise Restricted Discretionary

CE - R5 Buildings and Structures in the Coastal Environment within the High Coastal Natural Character Overlay as identified in Schedule Seven

Activity Status Permitted

Where:

1. These buildings and structures are required for the maintenance, operation, minor upgrade and repair of network utilities or renewable electricity generation activities; or
2. Within the **OSRZ** - Open Space and Recreation Zones, this is parks facilities or parks furniture; or
3. Within the Māori Purpose Zone, these are Māori Purpose Activities; or
4. In all other zones:
 - a. **Any new residential dwelling on a site where no other dwelling is located is no more than 150m² ground floor area;**
 - b. Any **other** new building is no more than 100m² ground floor area;
 - c. Any addition increases the total building footprint by no more than 50m²;
 - d. The maximum height above ground level is for any building or structure is 7m-; **and**
 - e. **New buildings are set back 25m from mean high water springs.**

Advice Note:

Refer to the Natural Hazards, Sites and Areas of Significance to Māori, Historic Heritage, Natural Character and the Margins of Waterbodies Overlay Chapters **and zone chapters** for **other** rules in relation to buildings and structures in these areas.

Activity status where compliance not achieved: Restricted Discretionary

CE - R6 Maintenance, ~~Alteration~~, Repair and ~~Reconstruction~~ Upgrade of Natural Hazard Mitigation Structures and associated earthworks in the Coastal Environment within the High Coastal Natural Character Overlay identified in Schedule Seven

Activity Status Permitted

Where:

1. The structure has been lawfully established;
2. Earthworks and land disturbance is ~~the minimum required to undertake the activity~~ **no more than 25m³ per 200m length of coastline in which the structure is located;**
3. There is no reduction in public access;
4. ~~The materials used are the same as the original, or most significant material, or the closest equivalent provided that~~ **Only cleanfill is used where fill materials are part of the structure;**
5. There is no change to more than 10% to the overall dimensions, orientation, **height** or **length** outline of **the lawfully established** structure from the consented structure, and an assessment is provided **the structure is certified** by a suitably qualified professional confirming **that** the effects **of the activity** are no greater than the consented **lawfully established** structure; and
6. **Any upgrade of the structure** The activity is undertaken by a Statutory Agency or their designated **authorised** contractor **acting on its behalf.**

Advice Note:

1. The rules in the Earthworks Chapter do not apply to Permitted Activities under Rule CE - R6.

<p>2. Earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters.</p> <p>3. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Indigenous Biodiversity Chapter.</p> <p>Activity status where compliance not achieved: Controlled Restricted discretionary</p>
<p>CE - R7 Earthworks within the Coastal Environment in the High Coastal Natural Character Overlay identified in Schedule Seven</p>
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. These are for: <ol style="list-style-type: none"> a. Operation, maintenance, repair and upgrade of walking/cycling tracks, roads, farm tracks or fences lawfully established; b. Operation, maintenance, repair, upgrade or installation of new network utility infrastructure or renewable electricity generation activities lawfully established; or c. Installation of new network utility infrastructure located within road reserve; d. Establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site; e. Establishment of buildings permitted by Rule CE – R5; and 2. Any fill, excavation or removal is not more than 250m²/ha and 250m³/ha. <p>Advice Note:</p> <ol style="list-style-type: none"> 1. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Indigenous Biodiversity Chapter. 2. Any earthworks are also subject to relevant rules in the Earthworks, Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters. 3. This rule also applies to plantation commercial forestry activities, where this provision is more stringent than the NES - PCF. <p>Activity status where compliance not achieved: Restricted Discretionary</p>
<p>CE - R8 Additions and Alterations to Lawfully Established Buildings and Structures in the Outstanding Coastal Environment Area</p>
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The addition or alteration increases the building footprint or footprint of the structure by no more than 50m²; 2. The maximum height of any addition to a building and or structures above ground level is 5m above ground level or the height of the existing lawfully established building or structure. <p>Advice Notes:</p> <ol style="list-style-type: none"> 1. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and Indigenous Biodiversity Chapter.

2. Any earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and the Margins of Waterbodies Chapters.

Activity status where compliance not achieved: ~~Restricted~~ Discretionary

CE - R9 Maintenance, Alteration, and Repair and Reconstruction of Natural Hazard Mitigation Structures within the Outstanding Coastal Environment Area

Activity Status Permitted

Where:

1. The structure has been lawfully established;
2. Earthworks and land disturbance are the minimum required to undertake the activity;
3. There is no reduction in public access;
4. ~~The materials used are the same as the original, or most significant material, or the closest equivalent provided that~~ Only cleanfill is used where fill materials are part of the structure;
5. There is no change to more than 10% to the overall dimensions, orientation, **height** or **length** ~~outline of the lawfully established structure from the consented structure, and an assessment is provided~~ **the structure is certified** by a suitably qualified professional confirming **that** the effects **of the activity** are no greater than the consented **lawfully established** structure; and
6. The activity is undertaken by a Statutory Agency or their ~~designated~~ **authorised** contractor **acting on its behalf**.

Advice Notes:

1. ~~The rules in the Earthworks Chapter do not apply to Permitted Activities under Rule CE-R9.~~
1. Earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and the Margins of Waterbodies Chapters.
2. Any indigenous vegetation clearance ~~or disturbance~~ is subject to the relevant rules in the Ecosystems and **Indigenous** Biodiversity Chapter.

Activity status where compliance not achieved: ~~Controlled~~ Restricted Discretionary

CE – R10 Erection of a Buildings ~~or~~ and Structures in the Outstanding Coastal Environment Area

Activity Status Permitted

Where the structure is:

1. A fence; or
2. Associated with stock water reticulation including tanks, pipes and water troughs; or
3. Required for the maintenance, operation, minor upgrade and repair of network utilities or renewable electricity generation activities; or
4. For a network utility customer connections, or environmental monitoring and extreme weather event monitoring; or
5. For agricultural pastoral and horticultural activities or an accessory building; and

- i. The height of any building or structure does not exceed 5m above ground level; and
- ii. The gross floor area of any building does not exceed 100m².

Advice Notes:

- 1. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and **Indigenous** Biodiversity Chapter.
- 2. Any earthworks are also subject to relevant rules in the Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters.

Activity status where compliance not achieved: ~~Restricted~~ Discretionary

CE – R11 Earthworks in the Outstanding Coastal Environment

Activity Status Permitted

- 1. Where **the earthworks are entirely contained within the existing footprint or modified ground disturbed by a lawfully established activity and** these are for:
 - a. Maintenance repair or upgrade of walking/cycling tracks, roads, farm tracks or fences; **or**
 - b. Operation, maintenance, repair and upgrade of **Regionally Significant Infrastructure**, network utility infrastructure or renewable electricity generation **activities; and**
- 2. **Where the earthworks are for additions to lawfully established buildings or structures provided for in Rule CE – R8 where any fill, excavation or removal of material is not more than 100m² per hectare and 100m³ per hectare.**

Advice Notes:

- 1. Any indigenous vegetation clearance or disturbance is subject to the relevant rules in the Ecosystems and **Indigenous** Biodiversity Chapter.
- 2. Any earthworks are also subject to relevant rules in the **Earthworks**, Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, and Natural Character and Margins of Waterbodies Chapters.
- 3. This rule also applies to ~~plantation~~ **commercial** forestry activities where this provision is more stringent than the NES - ~~CPF~~.

Activity status where compliance not achieved: Restricted Discretionary

CE-R12 Natural Hazard Mitigation Structures and associated Earthworks ~~in the Coastal Environment in the High Coastal Natural Character Overlay Area identified in Schedule Seven and the Outstanding Coastal Environment Area not provided for as a meeting Permitted Activity standards~~

Activity Status ~~Controlled~~ Restricted Discretionary

Where:

- 1. **Within the Outstanding Coastal Environment Area** ~~These~~ are **only** to protect the coastal State Highway, Special Purpose Roads or other ~~Critical~~ **Regionally Significant** Infrastructure;

- ~~2. These are Westport flood and coastal protection works constructed by a statutory agency or its authorised contractor.~~

Matters of control are Discretion is restricted to:

- a. Effects on habitats of any threatened or protected flora or fauna species; **indigenous vegetation and habitats of indigenous fauna;**
- b. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;
- c. Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;
- d. Effects on the intrinsic values of ecosystems;
- e. Effects on recreational values of public land;
- f. Effects on Poutini Ngāi Tahu values, **any archaeological sites, historic heritage or** any Sites and Areas of Significance to Māori identified in Schedule Three;
- g. Landscape and visual effects, **including design and location of any buildings, structures or earthworks;**
- h. Effects on natural character and natural features;
- ~~i. Location, dimensions and appearance of the structure;~~
- j. Effects on public access to **and along** the coast; **and**
- k. **Effects on the level of hazard risk created by the structure on other properties.**

Advice Note:

- ~~1. The rules in the Earthworks Chapter do not apply to Controlled Activities under Rule CE-R11.~~
- ~~2. This rule also applies to plantation forestry activities where this provision is more stringent than the NES-PF.~~

Activity status where compliance not achieved:

~~Restricted Discretionary except~~

~~Discretionary where these are within the Outstanding Coastal Environment Area~~

Restricted Discretionary Activities

CE - R13 Māori Purpose Activities and Buildings in the Coastal Environment not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Effects on habitats of any threatened or protected **at risk** flora or fauna species;
- b. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;
- c. Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;
- d. Effects on the intrinsic values of ecosystems;

- e. Effects on recreational values of public land;
- f. Effects on Poutini Ngāi Tahu values and any Sites and Areas of Significance to Māori identified in Schedule Three;
- g. Landscape and visual effects;
- h. Effects on natural character and natural features;
- i. Location, dimensions and appearance of any structure; and
- j. Effects on public access to the coast; and
- k. **Effects on any archaeological sites.**

Activity status where compliance not achieved: N/A

CE - R14 Buildings and Structures not meeting Rule CE - R4 outside of the Outstanding Coastal Environment Area and High Coastal Natural Character Overlay ~~identified in Schedule Seven~~

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Any requirements for landscape evaluation;
- b. The extent to which the site is visible from a road or public place;
- c. The effects on the natural character of the coast;
- d. The effects on Poutini Ngāi Tahu values; **any archaeological sites, historic heritage or on any Site and Areas of Significance to Māori identified in Schedule Three;**
- e. The effects on potential or current public access to the coast;
- f. Design and location of any buildings, structures or earthworks;
- g. Volume and area of earthworks;
- h. Area and location of any vegetation clearance;
- i. ~~Impacts~~ **Effects** on biodiversity values; and
- j. **Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;**
- k. **Effects on the intrinsic values of ecosystems;**
- l. **Measures to mitigate landscape measures effects;**
- m. **The effects on natural landscapes and natural features in the coastal environment; and**
- n. **The functional or operational needs of the activity.**

Activity status where compliance not achieved: N/A

CE - RXX Afforestation with Plantation Forestry in the Coastal Environment outside of High and Outstanding Coastal Natural Character Areas where this requires the clearance of indigenous vegetation beyond the Permitted Activity Standards in Rule ECO – R2

Activity Status: Restricted Discretionary

Discretion is restricted to:

- a. Any requirements for landscape evaluation;**
- b. The extent to which the site is visible from a road or public place;**

c. The effects on the natural character of the coast;

d. The effects on Poutini Ngāi Tahu values, any archaeological sites, historic heritage or on any Site and Areas of Significance to Māori identified in Schedule Three;

e. The effects on potential or current public access to the coast;

f. Area and location of any indigenous vegetation clearance; and

g. The effects on natural landscapes and natural features of the coastal environment.

Advice Notes:

1. When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes objectives and policies will be required.

2. This rule also applies to commercial forestry activities where this provision is more stringent than the NES - CF.

Activity status where compliance not achieved: N/A

CE - R15 Buildings, Structures and Earthworks within the High Coastal Natural Character Overlay not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Any requirements for landscape evaluation;
- b. The extent to which the site is visible from a road or public place;
- c. The effects on the natural character of the coast;
- d. The effects on landscape and natural features of the coast;
- e. The effects on potential or existing public access to **and along** the coast;
- f. Design and location of any buildings, structure or earthworks;
- g. Volume and area of earthworks;
- ~~h.~~ **Effects on habitats of any threatened or protected flora or fauna species; indigenous vegetation and habitats of indigenous fauna;**
- i. **Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;**
- j. **Effects on the intrinsic values of ecosystems;**
- k. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;
- l. Effects on recreational values of public land;
- m. Effects on Poutini Ngāi Tahu values, **any archaeological sites, historic heritage** and any Sites and Areas of Significance to Māori identified in Schedule Three;
- n. Landscape and visual effects; ~~and~~
- o. Location, dimensions and appearance of any structure-; **and**
- p. **The functional need or operational need of the activity.**

Advice Note:

<p>1. This rule also applies to plantation commercial forestry activities where this provision is more stringent than the NES - <u>PCF</u>.</p> <p>Activity status where compliance not achieved: N/A</p>
<p>CE - R16 Additions to Existing <u>lawfully established</u> Buildings and New Buildings and Structures and associated Earthworks within the Outstanding Coastal Environment Area not meeting Permitted Activity Standards</p>
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. This is an addition to an existing lawfully established building or a building accessory to an existing lawfully established building; or 2. The building or structure is identified on an approved subdivision plan for the site or where there is no existing residential building on the site; or 3. The building or structure is required for: <ol style="list-style-type: none"> i. A network utility or renewable electricity generation activity; ii. An agricultural pastoral or horticultural activity in a RURZ - Rural Zone; iii. A conservation activity; or iv. A recreational activity in any OSZ - Open Space Zone. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Any requirements for landscape evaluation; b. Effects on habitats of any threatened or protected species; c. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification; d. The extent to which the site is visible from a road or public place; e. Any effects on the values that make the site Outstanding; f. The effects on potential or current public access to the coast; g. The effects on Poutini Ngāi Tahu values and Sites and Areas of Significance to Māori identified in Schedule Three; h. Design and location of any buildings, structures or earthworks; i. Volume and area of earthworks; j. Area and location of indigenous vegetation clearance and its effects on biodiversity values; k. Landscape measures; and l. Where relevant, matters included within Policy NFL - P6. <p>Activity status where compliance not achieved: Discretionary Non-complying</p>
<p>CE R17 Natural Hazard Mitigation Structures and Activities in the High Coastal Natural Character Overlay not meeting Controlled Activity Standards</p>
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. These are not within the Outstanding Coastal Environment Area. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Any requirements for landscape evaluation; b. Effects on habitats of any threatened or protected species;

- ~~e. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;~~
- ~~d. The extent to which the site is visible from a road or public place;~~
- ~~e. Any effects on the natural character of the coast;~~
- ~~f. The effects on potential or current public access to the coast;~~
- ~~g. The effects on Poutini Ngāi Tahu values;~~
- ~~h. Design and location of any buildings, structures or earthworks;~~
- ~~i. Volume and area of earthworks;~~
- ~~j. Area and location of indigenous vegetation clearance; and~~
- ~~k. Landscape measures.~~

Activity status where compliance not achieved: Discretionary

CE-R18 Earthworks within the Outstanding Coastal Environment Area not ~~provided for as a Permitted Activity~~ meeting Permitted activity standards

Activity Status Restricted Discretionary

Where:

a.—These are for:

- a. Walking/cycling tracks;
- b. Roads, farm tracks or fences;
- c. Installation of network utility infrastructure or renewable electricity generation activities; or
- d. For establishment of a building platform and access to a building site in an approved subdivision or where there is no existing residential building on the site;
and

~~b.—Earthworks are the minimum required to undertake the activity.—~~

Discretion is restricted to:

- a. Any requirements for landscape evaluation;
- b. The extent to which the site is visible from a road or public place;
- c. Any effects on the values that make the site Outstanding;
- d. ~~Effects on habitats of any threatened or protected species~~ **indigenous vegetation and habitats of indigenous fauna;**
- e. **Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;**
- f. **Effects on the intrinsic values of ecosystems;**
- g. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;
- h. The effects on Poutini Ngāi Tahu values, **any archaeological sites, historic heritage** and any Sites and Areas of Significance to Māori identified in Schedule Three;
- i. Design, ~~and~~ location **and area** of any earthworks;

<p>h. Volume and area of earthworks;</p> <p>j. Area and location of vegetation clearance;</p> <p>k. Landscape measures to reduce the visual effects on the values of the Outstanding Natural Landscape or Feature; and</p> <p>l. Where relevant, matters included within Policy NFL - P6;</p> <p>m. <u>The effects on the natural character of the coastal environment; and</u></p> <p>n. <u>The effects on natural features and natural landscapes.</u></p> <p>Advice Note:</p> <p>1. This rule also applies to plantation <u>commercial</u> forestry activities where this provision is more stringent than the NES - <u>PCF</u>.</p> <p>Activity status where compliance not achieved: Discretionary</p>
<p>CE - R19 Earthworks within the Outstanding Coastal Environment Area not provided for as a Permitted Activity</p>
<p>Activity Status Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding; except Where a written report of a suitably qualified natural hazards professional identifies that the Outstanding Natural Feature is a severe risk to people or property. <p>Notification:</p> <p><u>When making notification decisions in relation to a</u> Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding <u>the Council</u> will <u>consult with</u> always be Limited Notified to the Geosciences Society of New Zealand and may be publicly notified.</p> <p>Advice Note:</p> <p>When assessing resource consents for natural hazard mitigation activities under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes <u>objectives and</u> policies will be required.</p> <p>Activity status where compliance not achieved: Non-complying</p>
<p>CE - R20 Afforestation with Plantation Forestry in the <u>High Coastal Natural Character Overlay</u>, <u>the Outstanding Coastal Environment Area</u> or any Significant Natural Area identified in Schedule Four in the Coastal Environment</p>
<p>Activity Status Discretionary</p> <p>Advice Note:</p> <ol style="list-style-type: none"> When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes <u>objectives and</u> policies will be required. <u>This rule applies to plantation forestry activities where this provision is more stringent than the NES – CF.</u> <p>Activity status where compliance not achieved: N/A</p>

<p>CE-R21 Buildings, Structures and Earthworks in the High Natural Character Overlay or the Outstanding Coastal Environment not meeting Restricted Discretionary Rules</p>
<p>Activity Status Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. These will not destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding. <p>Advice Note:</p> <ol style="list-style-type: none"> 1. When assessing resource consents under this rule, assessment against the relevant Coastal Environment, Ecosystems and Indigenous Biodiversity, Natural Features and Landscapes objectives and policies will be required. 2. This rule also applies to plantation commercial forestry activities where this provision is more stringent than the NES - PCF. <p>Activity status where compliance not achieved: Non-complying</p>
<p>CE - R22 Activities in the Coastal Environment that would destroy any Outstanding Natural Feature identified in Schedule Six or the values which make it Outstanding</p>
<p>Activity Status Non-complying</p> <p>Notification:</p> <p>When making notification decisions in relation to a Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding the Council will consult with always be Limited Notified to the Geosciences Society of New Zealand and may be publicly notified.</p> <p>Advice Note:</p> <ol style="list-style-type: none"> 1. When assessing resource consents for activities under this rule, assessment against both the Coastal Environment, and Natural Features and Landscapes objectives and policies will be required. 2. This rule also applies to plantation commercial forestry activities where this provision is more stringent than the NES - PCF. <p>Activity status where compliance not achieved: N/A</p>
<p>CE – R22A Buildings and Structures in the Outstanding Coastal Environment Area not meeting Permitted or Restricted Discretionary Activity Rules</p>
<p>Activity Status Non – complying</p> <p>Activity status where compliance not achieved: N/A</p>

Subdivision Chapter

<p>SUB - R16 Subdivision of Land within the Coastal Environment subject to an Outstanding Natural Landscape, Outstanding Natural Feature or High Coastal Natural Character Overlay</p>
<p>Activity Status Discretionary</p> <p>Where:</p> <p>No new allotments are proposed within Outstanding Coastal Natural Character areas as identified in Schedule Eight.</p> <p>Activity status where compliance not achieved: Non-complying</p>

SUB - R17 Subdivision of Land within the Coastal Environment to create allotments where there is a Historic Heritage site or area identified in Schedule One or a Site and Areas of Significance to Māori identified in Schedule Three not provided for in Rule SUB – R5

Activity Status Discretionary

Notification:

1. Applications to subdivide a lot with a Site or Area of Significance to Māori will always be limited notified to the relevant rūnanga. **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**
2. Applications to subdivide a lot with a historical heritage feature will always be limited notified to Heritage New Zealand Pouhere Taonga and may be publicly notified. **When making notification decisions in relation to this rule, the Council will consult with Heritage New Zealand - Pouhere Taonga.**

Activity status where compliance not achieved: N/A

SUB - R24 Subdivision within the Outstanding Coastal Natural Character Overlay

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Schedules

That the following statement is added as an introductory statement to Schedule Seven:

This schedule describes the areas identified as meeting the criteria for High Coastal Natural Character. These areas are mapped on the Planning Maps, which show the extent of the areas described in the schedule and to which the rules apply.

That the following statement is added as an introductory statement to Schedule Eight:

This schedule describes the areas identified as meeting the criteria for Outstanding Coastal Natural Character. These areas are mapped on the Planning Maps, which show the extent of the areas described in the schedule and to which the rules apply.

Schedule 7: High Coastal Natural Character

Unique Identifier	Site Identifier	Description
NCA6	Neil's Beach Settlement	<ul style="list-style-type: none"> • High natural character. Isolated and modest bach community enclosed and integrated amongst mature coastal forest and flanked by the mouth of the Arawhata River. • Natural qualities are clearly evident in the landform, mature vegetation cover and their relationship with both Okahu/Jackson Bay and Te Tai o Rēhua/ the Tasman Sea contributing to a very endemic landscape. • Backed by mature forest covered foothills including Burmeister Tops with views of Jackson Head and the Alps across Okahu/Jackson Bay. • Although apparent the bach community and airstrip do not disrupt the cohesion of natural

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
 General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

		elements which remain the dominant feature of this unit
NCA8	Waia toto /Waia toto River Mouth	<p>Outstanding High natural character.</p> <p>Isolated and modest bach community enclosed and integrated amongst mature coastal forest and flanked by the mouth of the Waiatoto River.</p> <ol style="list-style-type: none"> Highly dynamic and dramatic interaction / relationship between the river mouth and the open waters of Te Tai-o-Rēhua/ the Tasman Sea. Backed by extensive mature forest which extends towards the Selborne and Haast Ranges. A scattering of baches and pasture occupy the shoreline near Haast - Jackson Bay Road although they do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit. The dramatic exposure of the opens waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness. <p>The tidal rhythm of the sea also provides a counterpoint for the river's natural variations of flow, clarity and flood cycles</p>
NCA10	Hannah's clearing	<p>Outstanding High natural character.</p> <p>A broad sweeping ocean beach backed by patches of low lying mature coastal forest, eroded dune lands, and pasture.</p> <ul style="list-style-type: none"> Highly dynamic and dramatic interaction / relationship between the beach and dune field and the open waters of Te Tai-o-Rēhua/ the Tasman Sea. Backed by extensive mature forest which extends towards the Selborne and Browning Ranges. The presence of pasture, Haast - Jackson Bay Road, and powerlines do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit. The dramatic exposure of the open waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness. <p><i>The area of outstanding natural character wraps around the settlement of Hannah's Clearing, with the settlement itself not included within the area.</i></p>
NCA13	Haast Beach and coastal hinterland	High natural character.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

		<p>A broad sweeping ocean beach backed by patches of low lying mature coastal forest, eroded dune lands, and pasture.</p> <ul style="list-style-type: none"> • Highly dynamic and dramatic interaction / relationship between the beach and dune field and the open waters of Te Tai-o-Rēhua/ the Tasman Sea. • Backed by extensive mature forest which extends towards the Browning and Mark Ranges. • The presence of pasture, Haast - Jackson Bay Road, and powerlines do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit. • The dramatic exposure of the open waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness.
NCA15	Awarua/Haast River mouth (western shoreline)	<p>High natural character.</p> <p>Braided river mouth surrounded by low lying mature coastal forest, eroded dune lands, and wetlands along its eastern shoreline while its western margins are dominated by pasture.</p> <ul style="list-style-type: none"> • Highly dynamic and dramatic interaction / relationship between the beach and dune field and the open waters of Te Tai-o-Rēhua/ the Tasman Sea. • Backed by extensive mature forest which extends towards Mosquito Hill. <p>The presence of pasture along the western shoreline and Haast - Jackson Bay Road bridge does not detract from the highly expressive natural processes and elements which are the dominant feature of the unit.</p>
NCA31	Totara River mouth <u>and coastline to Ruatapu</u>	<p>Broad sweeping exposed beach flanked by extensive dune fields and enclosed lagoons and islands, the mouth of the Totara River and is surrounded by a mixture of low lying mature coastal forest interspersed with patches of pasture.</p> <ul style="list-style-type: none"> • Highly dynamic and dramatic interaction / relationship between the Totara River mouth, sandbars bars and the open waters of the Tasman Sea. • Exposed dune landforms and windswept vegetation impart a strong sense of naturalness and wildness.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

		<ul style="list-style-type: none"> Enclosed river and lagoon systems are expressive of the formative and ongoing coastal processes. <p>The presence of pasture and farming activities near the shoreline does not overly detract from the highly expressive natural processes and elements which are the dominant feature of the unit.</p>
NCA36	Peter Ridge Foothills	<p>Exposed coastal escarpment and terrace covered in windswept coastal forest and scrub.</p> <ul style="list-style-type: none"> Coastal landforms with indigenous vegetation reinforcing topography and exposure to coastal processes. Natural qualities are clearly evident in the landform, vegetation cover and their relationship with the Tasman Sea contributing to a very endemic landscape.
NCA 38	Rapahoe – Greigs coastline	<p>Exposed coastal escarpment and terrace covered in windswept coastal forest and scrub.</p> <ul style="list-style-type: none"> Coastal landforms with indigenous vegetation reinforcing topography and exposure to coastal processes. Natural qualities are clearly evident in the landform, vegetation cover and their relationship with the Tasman Sea contributing to a very endemic landscape. Pockets of batch development, pasture, and protection works are apparent
NCA 41	Pakiroa Beach	<p>Broad sweeping sandy / stony beach backed by an extensive dunefield, coastal scrub and forest – at the northern end of Pakiroa Beach.</p> <ul style="list-style-type: none"> Natural qualities are clearly evident in the dune landform, windswept vegetation cover and their relationship with the Tasman Sea contribute to the feeling of naturalness. Intact sequence of vegetation from dune fields through to coastal forest. Presence of pasture and farming modification behind the coastal forest does not overly detract from the highly expressive and natural processes that are the dominant element of the unit

<p>NCA43</p>	<p>Perpendicular Point– Woodpecker Bay <u>Te Miko</u></p>	<p>An extensive assemblage of craggy headlands and points, rock shoals and outcrops interspersed with sweeping sandy / stony beaches, dunefields, <u>steep coastal cliffs</u>, vegetated in coastal scrub and forest.</p> <ul style="list-style-type: none"> • High aesthetic values are associated with the inter-relationship between the series of craggy points and outcrops and the open waters of the Tasman Sea. • Natural qualities are clearly evident in the amalgam of landforms, wind swept vegetation cover and their relationship with the Tasman Sea contributing to a very endemic landscape. • Dramatic wave action, evident coastal erosion, and seasonal changes to atmospheric conditions are highly expressive and natural processes. • The prominence of number of houses / batches and SH6 along the coastline affects the perceived intactness and cohesion of the coastal environment, however they do not overly detract from the highly expressive and natural processes that dominate the landscape. • Backed by a steep escarpment covered in mature coastal forest.
<p>NCA46</p>	<p>Doctor Bay to Little Beach– Deep Creek to Parsons Hill</p>	<p><u>An assemblage of coastal and river embayments enclosed by a series of low knolls and headland including Doctor Bay, Constant Bay, Joyce Bay, and Nile River Bay Little Beach.</u></p> <ul style="list-style-type: none"> • <u>This landscape is highly expressive of the interplay between the embayments and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river’s natural variations of flow, clarity and flood cycles.</u> • <u>Diverse coastal forest comprising mature beech and rimu as well as windswept coastal scrub and flax across the more exposed headland landforms. The vegetation patterns also reinforce the enclosing landforms.</u> • <u>Very intimate and discrete landscape that is strongly focused towards the Nile River.</u> • <u>The weathered landforms, vegetation patterns and the prominence of the embayments and Nile River provide a very strong sense of naturalness despite the presence of nearby dwellings and infrastructure.</u>

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

NCA47	Okari Lagoon and coastline	<p>Extensive saltwater lagoon enclosed by a vast exposed beach and dunefield.</p> <ul style="list-style-type: none"> • This landscape is highly expressive of the interplay between the Lagoon, Okari River and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river’s natural variations of flow, clarity and flood cycles. • Dune enclosed lagoon is expressive of the coastal environment’s formative processes. • Intact vegetation sequences from dunefields to coastal forest create a strong sense of naturalness. <p>The prominence of pasture and farming activities along the western shore of the Lagoon does not overly detract from the highly expressive and natural processes that dominate the landscape.</p>
NCA52	Orowaiti Lagoon and coastline	<p>Extensive saltwater lagoon enclosed by a vast exposed beach and dunefield and fed by the Orowaiti River.</p> <ul style="list-style-type: none"> • This landscape is highly expressive of the interplay between the enclosed Lagoon, Orowaiti River and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river’s natural variations of flow, clarity and flood cycles. • Dune landform enclosing the lagoon is expressive of the coastal environment’s formative processes. • Regenerating vegetation covers much of the dunefield. <p>While the prominence of adjoining pasture, farming activities, and development along the shoreline of the Lagoon affect the perceived intactness and cohesion of the coastal environment, they do not overly detract from the highly expressive and natural processes that dominate the landscape.</p>
NCA60	Kohaihai Coast	<p>Section of remote exposed sandy beaches and dunefields flanked by a strip of pasture (including the DoC campsite) and coastal ranges covered in coastal forest.</p> <ul style="list-style-type: none"> • Natural qualities are clearly evident in the amalgam of dune landforms, wind swept vegetation cover and their relationship with the Tasman Sea contributing to a very endemic landscape. • Backed by forest covered ranges that extend into Kahurangi National Park.

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
 General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

		<ul style="list-style-type: none"> • The remoteness and wildness of the area is counted by the presence of the DoC campsite and dirt access road. • This landscape is highly expressive of the interplay between the active and mobile dunefields, steep sandy beach and the Tasman Sea.
Schedule Eight - Outstanding Natural Character Area		
Unique identifier	Site identifier	Description
NCA2	Halfway Bluff <u>and coastal hinterland</u>	<p>Outstanding natural character.</p> <p>Extremely remote series of coastal bluffs and escarpments, rising to over 100m in parts, which enclose the head of the Cascade and Hope Rivers. <u>Includes the wetland and watercourse dominated coastal hinterland</u></p> <ul style="list-style-type: none"> • Striking interface with Te Tai-o-Rēhua/ the Tasman Sea – sheer cliffs and scarps plunge dramatically to the sea with the eroded dunelands and coastal terraces providing an impressive sense of the landscapes formative processes. • Continuous pristine mature coastal and lowland forest cover impart a very strong sense of naturalness, together with the dramatic terrain. <p>This area is entirely devoid of development.</p>
NCA5	Neil's Beach	<p>Outstanding natural character.</p> <p>Highly exposed coastal escarpment fronted by a sandy beach and dune field and rocky outcrops. <u>Includes the bush clad hill slopes backdropping the bay</u></p> <ul style="list-style-type: none"> • Natural qualities are clearly evident in the coastal landforms, beach, outcrops, with indigenous vegetation reinforcing topography, exposure and dynamic coastal processes. • Dramatic engagement with Te Tai-o-Rēhua/ the Tasman Sea. Backed by forest covered foothills including Burmeister Tops with views of Jackson Head and the Alps across Okahu/ Jackson Bay. • Coastal vegetation along the seaward edge of Haast - Jackson Bay Road. <p>Amalgam of raw landforms, natural vegetation patterns and isolated beachfronts impart a strong sense of wildness and remoteness.</p>
NCA7	Arawhata River mouth <u>and</u>	<p>Outstanding natural character.</p> <p>Remote and isolated sequence of exposed beaches, low lying mature coastal forest, eroded dune lands and</p>

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

	<p><u>coastline to Waiatoto</u></p>	<p>wetlands, and the braided river mouth of the Arawhata River.</p> <ul style="list-style-type: none"> • Continuous pristine mature coastal and lowland forest cover. • This landscape is highly expressive of the interplay between the Arawhata River mouth and Te Tai-o-Rēhua/ the Tasman Sea . The tidal rhythm of the sea also provides a counterpoint for the rivers natural variations of flow, clarity and flood cycles. • Inland dune dammed waterbodies are expressive of the coastal environment’s formative processes. • Backed by forest covered foothills of Mt Mclean and the Haast Range beyond. • Limited presence of any development. <p>Unmodified vegetation sequences from dunefields to mature coastal forest create a strong sense of naturalness.</p>
<p>NCA8</p>	<p>Waitoto/Waiatoto River Mouth</p>	<p>Outstanding natural character.</p> <p>Isolated and modest bach community enclosed and integrated amongst mature coastal forest and flanked by the mouth of the Waiatoto River.</p> <ul style="list-style-type: none"> • Highly dynamic and dramatic interaction/ relationship between the river mouth and the open waters of Te Tai-o-Rēhua/ the Tasman Sea. • Backed by extensive mature forest which extends towards the Selborne and Haast Ranges. • A scattering of baches and pasture occupy the shoreline near Haast – Jackson Bay Road although they do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit. • The dramatic exposure of the opens waters of Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness. <p>The tidal rhythm of the sea also provides a counterpoint for the rivers natural variations of flow, clarity and flood cycles.</p>
<p>NCA9</p>	<p>Waiatoto/Waiatoto Lagoon and wetland <u>and coastal hinterland to Okuru</u></p>	<p>Outstanding natural character.</p> <p>Remote and isolated sequence of exposed beaches, low lying mature coastal forest, eroded dune lands and wetlands.</p> <ul style="list-style-type: none"> • This landscape is highly expressive of the interplay between the Waiatoto River mouth and Lagoon and Te Tai-o-Rēhua/ the Tasman Sea. The tidal rhythm of

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

		<p>the sea also provides a counterpoint for the river's natural variations of flow, clarity and flood cycles.</p> <ul style="list-style-type: none"> • Dramatic engagement with Te Tai-o-Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness. • Unmodified vegetation sequences from dunefields to continuous pristine mature coastal and lowland forest cover. <p>Dune dammed lagoon is expressive of the coastal environment's formative processes.</p>
NCA10	Hannah's Clearing	<p>Outstanding natural character.</p> <p>A broad sweeping ocean beach backed by patches of low lying mature coastal forest, eroded dune lands, and pasture.</p> <ul style="list-style-type: none"> • Highly dynamic and dramatic interaction/ relationship between the beach and dune field and the open waters of Te Tai o Rēhua/ the Tasman Sea. • Backed by extensive mature forest which extends towards the Selborne and Browning Ranges. • The presence of pasture, Haast – Jackson Bay Road, and powerlines do not disrupt the overall cohesion of natural elements which remain the dominant feature of this unit. <p>The dramatic exposure of the open waters of Te Tai o Rēhua/ the Tasman Sea enhances the sense of remoteness and wildness.</p>
NCA14	Awarua/Haast River mouth (eastern shoreline) and coastline to the Waita River	<p>Outstanding natural character.</p> <p>Exposed braided river mouth surrounded by low lying mature coastal forest, eroded dune lands and wetlands.</p> <ul style="list-style-type: none"> • This landscape is highly expressive of the interplay between the Haast River mouth and Te Tai-o-Rēhua/ the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river's natural variations of flow, clarity and flood cycles. • Continuous pristine mature coastal and lowland forest cover. • Inland dune dammed waterbodies are expressive of the coastal environment's formative processes. <p>Backed by forest covered foothills of Mt Mclean and the Haast Range beyond.</p>
NCA16	Waitaha/Waita River - Tauparikaka/Ship Creek Cole Creek	<p>Outstanding natural character.</p>

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

		<p>Remote and isolated sequence of exposed beaches, low lying mature coastal forest, eroded dune lands and dune dammed wetlands.</p> <ul style="list-style-type: none"> • Continuous pristine mature coastal and lowland forest cover. • Dramatic engagement with Te Tai-o-Rēhua/the Tasman Sea enhances the sense of remoteness and wildness. • Inland dune dammed waterbodies are expressive of the coastal environment’s formative processes. • Unmodified vegetation sequences from dune fields to mature coastal forest create a strong sense of naturalness. • Backed by extensive mature coastal forest which leads up to the Mataketake Range. <p>The presence of walking tracks, carpark, and shelter at Tauparikaka/Ship Creek, as well as SH6 does not detract from the highly expressive natural processes and elements that are the dominant feature of the unit.</p>
NCA20	<u>Māori beach to</u> Makaawhio Point	<p>Outstanding natural character.</p> <p>Remote sequence of exposed coastal slopes, points, rocky shoals, outcrops, islets, bluffs, broad beaches, dune lands, lagoons, and wetlands.</p> <ul style="list-style-type: none"> • Varied amalgam of raw and exposed landforms, windswept vegetation and isolated beach fronts impart a strong sense of wildness and remoteness. • Striking interface with Te Tai-o-Rēhua/the Tasman Sea. Sheer cliffs and scarps at Jacobs Bluff plunge dramatically into the sea. • Dramatic stand of mature wind swept rimu forest flanks Sandy Beach and imparts a strong sense of naturalness – rare sight of climatic species at the coastal edge. • This area is virtually devoid of development or modification although it adjoins areas of pasture in the Makaawhio River valley. <p>Highly dynamic and dramatic interaction / relationship between the braided river mouth of the Makaawhio River and the open waters of Te Tai-o-Rēhua/the Tasman Sea.</p>
NCA22	Manakaiaua/Hunt Beach to Karangarua and Te Wehenga/Cook	<p>Outstanding natural character.</p> <p>Remote and isolated sequence of exposed beaches, coastal bluffs and escarpments, low lying mature coastal forest, braided river mouths, dune fields, and wetlands.</p>

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
General District-Wide Matters - Ngā Kaupapa ā-Rohe Whānui: Coastal Environment – Te Taiao o te Takutai

	<p>River mouths and <u>Otorokua Point</u></p>	<ul style="list-style-type: none"> • Continuous pristine mature coastal and lowland forest cover. • Highly dynamic and dramatic interaction / relationship between the extensive braided river systems of the Karangarua and Wehenga/Cook Rivers, associated sand bar and the open waters of the Tasman Sea. • Unmodified vegetation sequences from dunefields to mature coastal forest impart a strong sense of naturalness. <p>Striking interface with Te Tai-o-Rēhua/the Tasman Sea. Sheer cliffs and scarps including Cook Bluff plunge dramatically into the sea.</p>
<p>NCA39</p>	<p>Rapahoe Nine Mile Bluff to Seventeen Mile Bluff</p>	<p>Sequence of coastal bluffs and escarpments interspersed by rocky shoals and sandy bays.</p> <ul style="list-style-type: none"> • Varied amalgam of raw and exposed landforms, strong elevated relief, windswept vegetation which impart a strong sense of naturalness. • Mature wind swept coastal forest across the escarpment enhances the sense of naturalness and wildness. • Striking interface with the Tasman Sea. Sheer cliffs and scarps at numerous points along the coast which plunge dramatically into the sea. <p>The presence of SH6 coastal road does not detract from the highly expressive natural processes and elements which are the dominant feature of the unit.</p>
<p>NCA44</p>	<p>Woodpecker <u>Irimahuwheri</u> Bay foothills to <u>Deep Creek</u> Needle Point</p>	<p>Sequence of coastal bluffs and escarpments vegetated in mature coastal forest that <u>extend along the coastline at Irimahuwheri Bay, Meybille Bay and Hatters Bay</u> wrap around the back of Woodpecker Bay <u>Pahautane and Kaipataki Point</u> and continue along the coast to <u>Deep Creek</u> Needle point. An assemblage of craggy headlands and points, rock shoals and outcrops characterise the latter part of this coastline.</p> <ul style="list-style-type: none"> • Interplay of exposed headlands, craggy buffs, vegetated escarpments accentuate the dynamic and expressive coastal processes that have and continue to shape the coastal environment. • Striking interface with the Tasman Sea. Sheer cliffs and scarps including Needle Point plunge dramatically into the sea. <p>Continuous mature windswept coastal forest across the escarpment enhances the sense of naturalness and wildness.</p>

<p>NCA46</p>	<p>Doctor Bay to Little Beach</p>	<p>An assemblage of coastal and river embayments enclosed by a series of low knolls and headland including Doctor Bay, Constant Bay, Joyce Bay, and Nile River Bay.</p> <ul style="list-style-type: none"> • This landscape is highly expressive of the interplay between the embayment's and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the rivers natural variations of flow, clarity and flood cycles. • Diverse coastal forest comprising mature beech and rimu as well as wind swept coastal scrub and flax across the more exposed headland landforms. The vegetation patterns also reinforce the enclosing landforms. • Very intimate and discrete landscape that is strongly focused towards the Nile River. <p>The weathered landforms, vegetation patterns and the prominence of the embayment's and Nile River provide a very strong sense of naturalness despite the presence of nearby dwellings and infrastructure.</p>
<p>NCA55</p>	<p><u>Mōkihinui River mouth</u></p>	<p><u>Extensive saltwater lagoon enclosed by a vast exposed beach and dunefield and fed by the Mōkihinui River.</u></p> <ul style="list-style-type: none"> • <u>This landscape is highly expressive of the interplay between the Orōwaiiti Mōkihinui River mouth and the Tasman Sea. The tidal rhythm of the sea also provides a counterpoint for the river's natural variations of flow, clarity and flood cycles.</u> • <u>Dune landform enclosing the lagoon is expressive of the coastal processes.</u> • <u>Regenerating to mature coastal forest covers much of the escarpment along the northern side of the river.</u> • <u>While the prominence of adjoining pasture, farming activities, and development along the shoreline of the river affect the perceived intactness and cohesion of the coastal environment, they do not overly detract from the highly expressive and natural processes of the river that dominate the local landscape.</u> <p><u>Backed by coastal foothills covered in mature forest with views towards the Radiant and Glasgow Range's beyond.</u></p>
<p>NCA56</p>	<p><u>Mōkihinui River/</u> Gentle Annie Point to Little Wanganui Head</p>	<ul style="list-style-type: none"> • Remote sequence of exposed coastal ranges, cliffs and headlands with a series of rocky shoals, outcrops, islets, bluffs, and broad beaches, as well as eroded dune lands and wetlands.

		<ul style="list-style-type: none"> • Varied amalgam of raw and exposed landforms, natural vegetation patterns and isolated beachfronts and bays impart a strong sense of wildness and remoteness. • Strong elevated relief. • Striking interface with the Tasman Sea — sheer cliffs and scarps plunge dramatically to the sea with the eroded dunelands and coastal terraces providing an impressive sense of the landscapes formative processes. • Extensive native lowland forest with windswept and stunted shrublands on exposed faces. • Dramatic engagement with the Tasman Sea. • Backed by the Karamea Bluff Ecological Area
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Planning Maps

Outstanding Coastal Natural Character and High Coastal Natural Character
<ul style="list-style-type: none"> • The offshore islands are shown on the planning maps and are zoned Open Space Zone and included within the Coastal Environment. • The Open Bay Islands (NCA 12) are shown on the maps as Outstanding Coastal Natural Character, as shown on the map in Appendix 1 of the s42A Right of Reply. <p>The following locations are removed from the HCNC maps:</p> <ul style="list-style-type: none"> • 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; and • 6A Stafford Loop Road in NCA 32. <p>The following locations are removed from the OCNC maps:</p> <ul style="list-style-type: none"> • 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; <p>The HCNC maps are updated as per the recommendations in the report of Bridget Gilbert in Appendix 3, and as further amended in her evidence to support the s42A Right of Reply, where these do not increase the area of private land affected by the HCNC;</p> <p>The OCNC maps are updated as per the recommendations in the report of Bridget Gilbert in Appendix 3 and as further amended in her evidence to support the s42A Right of Reply, where these do not increase the area of private land affected by the OCNC.</p>

Coastal Environment overlay
<p>The coastal environment maps are updated as per the recommendations in the report of Bridget Gilbert in Appendix 3 to the s42A Report.</p>

