

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report:

Outstanding Matters

Hearing Date: 4 December 2024

HEARING PANEL

Dean Chrystal (Chair)

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PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with my appointment and other preliminary matters applicable to all 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 Outstanding Matters and primarily addresses submissions points that were missed in error, generally due to being assigned to the wrong s42A report, or have not fitted with another topic covered by previous s42A report.
3. The Report contains my evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on various chapters of the Plan.

1.2. Overview of Outstanding Matters

4. The issues addressed in this Outstanding Matters report were covered in the various s32 Reports for the various topics identified in paragraph 7 below.
5. The Section 42A Officer's Report¹ ('s42A Report'), authored by Ms Easton. Ms Easton provided an overview of the report and identified the list of provisions to which submissions relate. She also included an Appendix 1 and Appendix 2 which addressed any amendments and the recommendations on submission respectively.
6. In addition to the above, this recommendation addresses some miscellaneous matters and errors which have arisen during the drafting of the full suite of recommendations.
7. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues:
 - (a) Submissions on the Whole Plan, Strategic Direction and Definitions;
 - (b) Submissions from Te Mana Ora on the Overviews of the Plan;
 - (c) Submissions on the Energy, Infrastructure and Transport Chapter;
 - (d) Submissions on Subdivisions and Financial Contributions Chapters;
 - (e) Submissions on the Ecosystems and Biodiversity Chapter;
 - (f) Submissions on the Coastal Environment Chapter;
 - (g) Submissions on the Open Space Zones Chapter;
 - (h) Submissions on Rural Zones Chapters; and
 - (i) Submissions on the Mineral Extraction Topic

¹ Outstanding Matters

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8. A s32AA Evaluation for the changes in each chapter was provided at the end of the s42A Report.
9. This Recommendation Report follows this same structure of the s42A Report for each chapter 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.
10. 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 ~~strikethrough~~ 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.
11. 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 Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.
12. 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 addendum 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.
13. 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).
14. Where there may be a different recommendation between the s42A Report and the Reporting Officer's addendum 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, the reasoning

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

15. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission 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.
16. 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.
17. 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 such minor amendments.

1.3. Terminology in this Report

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

Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
HNC	High Natural Character
KiwiRail	KiwiRail Holdings Limited
MINZ	Mineral Extraction Zone
Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
Planning Standards	National Planning Standards
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
RLZ	Rural Lifestyle Zone
Waka Kotahi NZTA	NZ Transport Agency Waka Kotahi

1.4. Hearing Arrangements

19. The hearing was held via Audio Visual on the 4th of December 2024. No submitters were present.

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20. A written Right of Reply was received a from Ms Easton on 10 December 2024.

1.5. Appearances

21. No submitters appeared at the hearing.

1.6. Overview of submissions evidence received

22. Following the receipt of the s42A Report the following were received

- (a) A statement of evidence by Mr Martin Kennedy, planner for Westpower Limited (dated 4 November 2024); and
- (b) A letter on behalf of KiwiRail Holding Limited from Ms Michelle Grinlinton-Hancock, Manager RMA Team.

1.7. Right of Reply

23. Ms Easton provided a Right of Reply which addressed

1.8. Procedural Steps and Issues

24. No procedural matters were raised at the hearing.

1.9. Site Visits

25. No site visits relating to these chapters were undertaken.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

26. The statutory requirements have been covered in detail in other recommendations and are not covered further in this recommendation given the diverse nature of the submissions being considered.
27. Notwithstanding the above, it is acknowledged that regard must be given to the West Coast Regional Policy Statement, and the Iwi Management Plans alongside the various provision of the RMA and national policy statements, national environmental standards and the planning standards where applicable.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. OUTSTANDING MATTERS

2.1. Whole Plan, Strategic Direction and Definitions

Submissions and Further Submissions

28. Two submissions points and one further submission relating to plan overlays were received.
29. 18 submission points sought alternative and/or consequential relief and were opposed or supported by 11 further submissions.
30. The Director General sought to amend references to significant values and areas where there is inconsistency and was supported by one further submission.
31. Westpower and Waka Kotahi sought amendments to the definitions of Approved Building Platform and Reverse Sensitivity respectively.
32. Davis Ogilvie & Partners Ltd sought a more consistent approach to recession planes in the Plan.
33. The above submissions are summarised in a Table on pages 7-9 of the s42A Report. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

34. Ms Easton did not support reducing the number of overlays as sought by Misato Nomura (S151.006). She said that the TTPP covers the entire West Coast Region, with three districts, and a very wide range of environments, land uses and specific activities. She also noted that the Plan was required to meet the Planning Standards which set minimum requirements around how some matters are managed and mapped.
35. In terms of the KiwiRail submission (S442.092) seeking that all outstanding natural features, natural landscapes and natural character overlays be removed from land under the Kiwirail designation, Ms Easton, in rejecting the submission, noted that the overlays are not related to land ownership but the presence of the actual feature or value.
36. In terms of the group of submitters specifically seeking alternative or consequential relief for their submissions, Ms Easton noted that they all had a wide range of submissions split across a range of different topics. She said that where appropriate alternative relief that the relevant s42A report authors have been able to identify has been provided for specific submissions points.
37. In relation to the Waka Kotahi submission (S450.007), seeking to amending the definition of Reverse Sensitivity, Ms Easton supported it is part noting that this was considered in the Introduction and General Provisions and is recommended to refer to “*lawfully established*” rather than “*approved*” activities. She did not consider further amendment was required.
38. Ms Easton supported the Westpower submission (S547.018) to amend the definition of Approved Building Platform to include “... *building consent or otherwise allowed under the Building Act or Regulations, resource consent ...*”

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39. In relation to the Director General’s submission, Ms Easton did not propose further amendment to the Plan in response to this submission.
40. On the issue of recession planes raised in the Davis Ogilvie & Partners Ltd submission, Ms Easton supported the submission concluding that a number of principles had been intended but not necessarily applied correctly in all circumstances. Having undertaken an analysis of the situation she considered that there were errors and inconsistencies in how the recession plane principles have been applied in: the General Industrial Zone; the Light Industrial Zone, the Commercial Zone, the Neighbourhood Centre Zone, the Hospital Zone, the Port Zone, the Stadium Zone and the Scenic Visitor Zone.
41. Ms Easton recommended the following amendments:

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

Submitter Evidence

42. Mr Kennedy for Westpower, in a written statement, supported the amendment to the definition of Approved Building Platform.
43. Ms Grinlinton-Hancock for KiwiRail, in a written statement, said that KiwiRail continued to seek the relief sought in its submission. She referenced an earlier letter on the Coastal Environment topic which set out the importance of recognising and providing for activities that are necessary to ensure the safe and efficient operation of the railway network (which is

defined as regionally significant infrastructure in the TTPP), including in circumstances where those activities need to be undertaken in sensitive environments.

Reporting Officer Reply Evidence

44. Ms Easton in addressing the KiwiRail submission noted that a review of the overlays by Ms Gilbert had resulted in reductions of some overlays which impact upon the KiwiRail network. She retained her view that the KiwiRail submission should be rejected.

Hearing Panel's Evaluation

45. The Panel agrees with Ms Easton's conclusions in relation to the submissions by Misato Nomura, those seeking alternative or consequential relief, Waka Kotahi and the Director General. It is accepted that no changes are required with regard to these submissions.
46. In relation to the KiwiRail submission, the Panel also agrees with Ms Easton's conclusion. It is noted that if the KiwiRail solution were to be followed it would lead to perverse situation in the outstanding natural features, natural landscapes and natural character overlays where there would be gaps in the actual features or values. It is also noted that other Regionally Significant Infrastructure operators such as Waka Kotahi may well seek the same relief if the amendment proposed was made. Further, the Panel was not made aware of this occurring elsewhere in the country and it is noted that KiwiRail have a Designation over the railway corridor and that work done within the framework of this Designation does not require resource consent.
47. The Panel agrees with the changes proposed to the definition of Approved Building Platform as sought by Westpower.
48. The Panel agrees with the suite of amendments to the recession plan provisions which correct errors and inconsistencies.
49. The Panel recommends that the amendment proposed below be adopted.

Recommendation

50. For the reasons outlined above, and subject to consideration of Part 2 of the RMA, the Panel recommends that the submission points identified in the footnotes below be accepted and recommends the following amendments to the definition of **Approved Building Platform** and **Recession Plan Rules**:

APPROVED BUILDING PLATFORM	Means a building platform approved by building consent or otherwise allowed under the Building Act or Regulations, ² resource consent, or identified on the applicable computer freehold register.
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Commercial Zone Rule COMZ – R1. Commercial Activities, Community Facilities, Emergency Service Facilities, Community Corrections Activity, Educational Facilities and Visitor Accommodation Activities and Buildings

² Westpower Limited (S547.018)

Activity Status Permitted

Where:

...

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

Neighbourhood Centre Zone

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

Activity Status Permitted

Where:

...

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

General Industrial Zone

Rule GIZ – R1 Industrial Activities and Industrial Buildings

Activity Status Permitted

Where:

...

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

Light Industrial Zone

Rule LIZ – R1 Industrial Activities and Industrial Buildings

Activity Status Permitted

Where:

...

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

Hospital Zone

Rule HOSZ – R1 Healthcare and Medical Activities and Buildings

Activity Status Permitted

Where:

...

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

Port Zone

Rule PORTZ – R1 Port and Industrial Activities and Buildings

Activity Status Permitted

Where:

...

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

Stadium Zone

Rule STADZ – R1 Stadium Activity

Activity Status Permitted

Where:

...

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

Scenic Visitor Zone

Rule SVZ – R1

Activity Status Permitted

Where:

...

8. No building shall protrude beyond a building envelope defined by a recession plane as outlined in Appendix Two to commence 2.5m above any site **SETZ – Settlement Zone** boundary...³

2.2. Te Mana Ora Submission on the Overviews of the Plan

Submissions and Further Submissions

51. 29 submissions points were received from Te Mana Ora Overview on the Plan supporting various chapters. Two further submissions were received in support. These are summarised in a Table on pages 14 and 15 of the s42A Report. The Panel adopts the summaries in the s42A Report and has considered all of the relevant submissions.

³ Davis Ogilvie & Partners Ltd (465.032)

Section 42A Report

52. Ms Eason thanked Te Mana Ora for their support. In terms of the suggested amendment to the Open Space Zone Overview, she said this was not necessary as this part of the overview has been redrafted based on other submitters points

Hearing and Submitter Evidence

53. No evidence was received.

Hearing Panel's Evaluation

54. The support for the various provisions is noted, and the Panel agrees with Ms Easton conclusion with regards Te Mana Ora submission on the Open Space Zone Overview.

Recommendation

55. No amendments to the Plan are made as a result of these submissions.

2.3. Energy, Infrastructure and Transport Chapter

Submissions

56. Two submissions points and two further submission points were summarised in a Table on page 16 of the s42A Report.
57. Frank and Jo Dooley (S478.092) sought that it be made clear that underground electricity transmission lines are a permitted activity.
58. Frank and Jo Dooley (S478) also supported the overview to the energy chapter and sought a minor punctuation change, which Ms Easton support.

Section 42A Report

59. Ms Easton noted that she had discussed this matter with the s42A author for the Energy, Infrastructure and Transport Chapter and that the recommendation was for the addition of a new rule for *"The construction, operation and repairs of below ground energy activities"*. If accepted it would be explicit that underground electricity transmission lines are a permitted activity.

Hearing and Submitter Evidence

60. No evidence was presented at the hearing in relation to the submission points

Hearing Panel's Evaluation

61. In relation to the submission of Frank and Jo Dooley on underground electricity lines, the Panel notes that in response to a submission by Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd new lines that are located below ground are a permitted activity in the recommendations made on the Infrastructure Chapter.
62. The remaining support of Frank and Jo Dooley is noted.

Hearing Panel's Recommendation

63. No amendments to the Plan are made as a result of these submissions.

2.4. Subdivisions and Financial Contributions

Submissions

64. Four submissions points were received on the Financial Contributions Chapter along with one further submission.

65. Four submissions points were received on policy SUB-P2.

66. One submission was received on rule SUB-R6 along with two further submissions in support.

67. One submission was received on rule SUB-S1.

68. These were summarised in a Table on page 16-17 of the s42A Report.

Section 42A Report

69. Ms Easton noted that a group of submitters⁴ sought a definition for '*Development*' in relation to the Financial Contributions provisions. She said that the term '*development*' is a widely used and understood term within the RMA context and noted that neither a Planning Standards or RMA definition exists.

70. The same submitters also sought a definition of "*planned infrastructure*" in relation to subdivision policy SUB-P2. Ms Easton did not support the submission noting that the term is used within the context of "*existing or planned infrastructure*" in one policy in the Plan and within the wider policy the meaning was clear.

71. In relation to the submission of Erin Stagg (S314.007) seeking that Rule SUB-R6 also refer to Haast Airfield so that future development is undertaken sensitively, Ms Easton supported this submission in part, noting that as a consequence of recommendations Haast Airfield will be included in the Airport Zone, with noise contours provided, subdivision rules applying to any subdivision that occurs within the Airport Noise Overlay. She considered the matter was therefore adequately dealt with.

72. Ms Easton did not support the submission by Margaret Montgomery (S446.064) seeking that SUB-S1 not apply if the proposal does not generate new non-compliances or where it can be demonstrated that council can waive this standard. She noted that the s42A author for Subdivision concluded that lawfully established activities are already provided for in the provisions and that existing use rights also apply.

Hearing and Submitter Evidence

73. No evidence was presented at the hearing in relation to the submission points

Hearing Panel's Evaluation

⁴ William McLaughlin (S567.221), Chris & Jan Coll (S558.144), Chris J Coll Surveying Limited (S566.144), Laura Coll McLaughlin (S574.144)

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74. The Panel agrees with the conclusions of Ms Easton with regards to each of the submissions above. It is noted that in relation to Haast Airfield it has recommended to be included in the Airport Special Purpose Zone and that noise contour will apply.

Hearing Panel's Recommendation

75. No amendments to the Plan are made as a result of these submissions.

2.5. Ecosystems and Biodiversity Overview

Submissions

76. Submissions points from the Director General and Forest and Bird sought changes to the Ecosystems and Biodiversity Overview. Both were opposed by Westpower and the Director Generals submission was supported by Inger Perkins. The submission were summarised in a Table on page 19 of the s42A Report.

Section 42A Report

77. Ms Easton did not support the Director Generals submission seeking to identify that intact ecosystems and vegetation types occur primarily in the uplands, that mapping of SNAs will be undertaken by June 2027 and to expand on the requirement to assess vegetation prior to permitted clearance. She said she had recommended a range of changes to the Overview section which she considered provided better context for the chapter than the words proposed by the Director General.
78. In relation to Forest and Birds submission seeking that reference to the Strategic Objectives in the Overview be deleted, Ms Easton said that identifying only this chapter references the strategic objectives is not correct and is not thus a reason for deleting the reference.

Hearing and Submitter Evidence

79. No evidence was presented at the hearing in relation to the submission points.

Reporting Officer Reply Evidence

80. Ms Easton further addressed the Director Generals submission in her Right of Reply in response to questioning. She noted that at the Ecosystems and Biodiversity hearing the Department of Conservation ecologist spoke in some detail about the threatened ecosystem types found on the West Coast. With this context, she considered that some of the amendments sought in their submission were useful contextual information for that chapter. She therefore recommended the following amendments to the Overview section of the Ecosystems and Biodiversity Chapter:

Overview

*The West Coast/Te Tai o Poutini contains a significant amount of intact natural diversity by comparison with other parts of New Zealand/Aotearoa me Te Waipounamu. Continuous tracts of lowland and coastal forests and freshwater as well as coastal wetlands cover large areas. In many places indigenous ecosystems and habitats extend unbroken from the mountains to the sea. **Approximately** 84% of the land area is under the management of the Department of Conservation. In total an estimated 90% of the West Coast/Te Tai o Poutini is covered in indigenous vegetation - compared with 24% nationally.*

*While the West Coast/Te Tai o Poutini is fortunate to have a wide range of diverse and intact ecosystems and vegetation types, **they occur primarily in the uplands** and there are some ecosystems and vegetation types not well represented in the protected areas network. These are generally ecosystems found in the lowland areas of the West Coast/Te Tai o Poutini, **and include threatened ecosystems such as coastal turf and wetlands, and vegetation types such as coastal forest and forests on alluvial terraces.***

Hearing Panel's Evaluation

81. The Panel agrees with Ms Easton's conclusions with regards to the Forest and Bird submissions and it is recommended it be rejected.
82. In terms of the Director General's submission, the Panel agrees with Ms Easton's revised position, and it is considered that the additional words proposed for the Overview provide additional context in relation to land area is under the management of the Department of Conservation.

Hearing Panel's Recommendation

83. For the reasons outlined above, and subject to consideration of Part 2 of the RMA, the Panel recommends that the submission point identified in the footnote below be accepted in part and recommends the following amendments to the **Ecosystems and Biodiversity Overview**:

Overview

...

The West Coast/Te Tai o Poutini contains a significant amount of intact natural diversity by comparison with other parts of New Zealand/Aotearoa me Te Waipounamu. Continuous tracts of lowland and coastal forests and freshwater as well as coastal wetlands cover large areas. In many places indigenous ecosystems and habitats extend unbroken from the mountains to the sea. **Approximately** 84% of the land area is under the management of the Department of Conservation. In total an estimated 90% of the West Coast/Te Tai o Poutini is covered in indigenous vegetation - compared with 24% nationally.

While the West Coast/Te Tai o Poutini is fortunate to have a wide range of diverse and intact ecosystems and vegetation types, **they occur primarily in the uplands** and there are some ecosystems and vegetation types not well represented in the protected areas network. These are generally ecosystems found in the lowland areas of the West Coast/Te Tai o Poutini, **and include threatened ecosystems such as coastal turf and wetlands, and vegetation types such as coastal forest and forests on alluvial terraces.**⁵

2.6. Coastal Environment

Submissions

⁵ Director General (S602.063)

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87. One submissions points was received from Amanda Jenkins (S575.002) seeks that the High Natural Character boundary is removed from her property at State Highway 6 Fox River. The submission is summarised in a Table on page 20 of the s42A Report.

Section 42A Report

88. In relation Amanda Jenkins submission, Ms Easton said that there had been relatively minor amendments to the boundaries of these areas of High Coastal Natural Character and this submitter's properties are still recommended by the landscape reviewers to remain in the area of High Coastal Natural Character. She therefore did not support its removal from this property.

Hearing and Submitter Evidence

89. No evidence was presented at the hearing in relation to the submission points.

Reporting Officer Reply Evidence

90. In response to question regarding this property including whether indigenous vegetation clearance had occurred since plan notification; was this a consented activity and; whether her recommendations remained as a result, Ms Easton said she had checked with Buller District Council around consents in existence on the property, and there was a building consent from 2008 but no resource consents. However, she said that on careful examination of google maps, the clearance and dwelling identified at the hearing as being on the property is actually on the adjacent site – 5351 State Highway 6, and the landowner appears to have cleared much of the site of indigenous vegetation. She said no submission to remove the HNC has been lodged in relation to 5351 State Highway 6 and that 5363 State Highway 6 remains unmodified and on that basis her recommendations around the HCNC on this property remained unaltered.

Hearing Panel's Evaluation

91. Without any evidence to the contrary, the Panel agrees with Ms Easton that the High Natural Character delineation over the property at 5363 State Highway 6 should be retained.

Hearing Panel's Recommendation

92. No amendments to the Plan are made as a result of these submissions.

2.7. Open Space Zones

Submissions

93. One submissions point from Birchfield Coal Mines Ltd (S601.077) sought that part of the overview statement as it relates to public conservation land and mineral extraction is retained. The submission is summarised in a Table on page 21 of the s42A Report.

Section 42A Report

94. In relation to the Birchfield Coal Mines Ltd submission on the Open Space Zones Overview, Ms Easton noted that as a result of other submissions she had recommended amendments to the Overview which removed some of the wording supported by the submitter.

Hearing and Submitter Evidence

95. No evidence was presented at the hearing in relation to the submission point.

Hearing Panel's Evaluation

96. The Panel notes Ms Easton's comments regarding amendments to the Overview and it is accepted that the changes negate some of the submitters supporting position.

Hearing Panel's Recommendation

97. No amendments to the Plan are made as a result of these submissions.

2.8. Rural Zones

Submissions

98. Two submissions points in support were received and are summarised in a Table on page 22 of the s42A Report.

99. The Director General (S602.228) sought that the overview to the RURZ Rural Zones section is amended to expand the list of natural features found in the zones and to include reference to natural landscapes.

100. Misato Nomura (S151.008) sought that some of the precincts are combined.

Section 42A Report

101. In response to Misato Nomura's submission, Ms Easton acknowledge the level of complexity in the Plan created by the use of precincts, compared with the operative plans, but said this was a result of the diverse nature of, in particular, the settlements on the West Coast, and the need to accommodate the differences found across the three districts.

102. In relation to the Director Generals submission, Ms Easton support this submission as it provided better context for the activities in the chapter. She recommended amendments to the Overview as follows:

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

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

Hearing and Submitter Evidence

103. No evidence was presented at the hearing in relation to the submission points

Hearing Panel's Evaluation

104. The Panel acknowledge the comments of Ms Easton in relation to the submission of Misato Nomura. No amendments are proposed as a result.
105. The Panel agrees with the amendments to the Overview proposed by Ms Easton, and it is considered they provided context. It is recommended the that amendments are adopted.

Hearing Panel's Recommendation

106. For the reasons outlined above, and subject to consideration of Part 2 of the RMA, the Panel recommends that the submission point identified in the footnote below be accepted and recommends the following amendments to the **Overview for the RURZ – Rural Zones chapter**:

Overview

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

The rural area is characterised by its open vistas and natural **landscapes and** features that are of importance to the wider community. Components of the rural area include the coastline, waterbodies, vegetation and the absence of built-up areas.⁶

...

2.9. Mineral Extraction Topic

Submissions

107. 11 submissions points in support of the General Approach to Mineral Extraction in the General Rural Zones were summarised in a Table on page 23-24 of the s42A Report. 13 further submissions were received in support and opposition.
108. Four submissions points in support of the Mineral Extraction in the General Rural Zones, one seeking amendment and one in opposition, were received. Two further submissions (one neutral and one opposed) were also received. These are summarised in a Table on page 24 of the s42A Report.
109. Papahaua Resources Limited (S500.013) sought to retain the enabling approach to mineral extraction within the Rural Lifestyle Zone. The submission is summarised on in a Table on page 24 of the s42A Report.
110. BRM Developments Limited (S603.053) sought to retain the Minerals Extraction Zone. The submission is summarised on in a Table on page 24 of the s42A Report.

Section 42A Report

⁶ Director General (S602.228)

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

111. In relation to submissions in support of Mineral Extraction, Ms Easton supported these submissions in part. She said the s42A author for the mineral extraction topic does recommend that a pathway for mineral extraction remain in Rural Zones but has proposed extensive changes to the provisions in response to other submissions, which would create additional restrictions around mineral extraction compared with the proposed Plan.
112. Barry Mason (S208.003) seeks to make any form of mining activity at Barrytown a Discretionary Activity. Ms Easton noted that the recommendation in the s42A report was that the zoning this area to MINZ does not comply with the zoning criteria.
113. Ms Easton did not recommend any amendments as a result of these submissions.

Hearing and Submitter Evidence

114. No evidence was presented at the hearing in relation to the submission points

Hearing Panel's Evaluation

115. The support for the various provisions is noted, and the Panel agrees with Ms Easton that no amendment as necessary as a result of these submissions.

Hearing Panel's Recommendation

116. No amendments to the Plan are made as a result of these submissions.

2.10. Miscellaneous Issues and Errors

Notification Clauses

117. The Plan contains a number of notification clauses, and it has become apparent during the drafting of recommendations that some of these are ultra vires. In some recommendations the notification clauses have been amended, however there remain some which are outstanding post the drafting of the recommendations
118. In terms of these notification provisions, it is understood these are ultra vires in that Council(s) cannot require that applications will always be limited notified or publicly notified. A determination on that needs to be made under s95A or s95B of the RMA. In line with amendments in the SASM recommendations it is proposed that the wording be primarily amended to "*When making notification decisions in relation to this rule, the Council will consult with ...*" where it is related to an organisation or statutory agency. In terms of neighbours it is considered this should be left to an applicant to decide with regards consultation and ultimately the s95A or s95B decision. These are considered to be consequential amendments.
119. There are five types of limited notification clauses impacted, and these relate to the following provisions:

1. To Poutini Ngāi Tahu
 - SIGN-R22

~~Applications for signs on sites and areas of significance to Māori will always be notified to the relevant rūnanga and may be publicly notified.~~ **When making**

notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.

2. To Heritage New Zealand - Pouhere Taonga

- HH-R9

~~Activities to demolish or destroy a Heritage Item or Area will always be limited notified to Heritage New Zealand - Pouhere Taonga.~~ **When making notification decisions in relation to this rule, the Council will consult with Heritage New Zealand - Pouhere Taonga.**

3. To neighbours

- GRZ - R15

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

- LLRZ - R12

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

- MRZ - R12

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

- SETZ - R21.

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

4. To the Geosciences Society of New Zealand

- NFL-R9

~~Applications which will substantially modify an Outstanding Natural Feature will be notified to the Geosciences Society and may be publicly notified.~~ **When making notification decisions in relation to this rule, the Council will consult with Geosciences Society of New Zealand.**

- NFL-R15

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

5. Transport

- TRN-R13

~~Notification: Applications will always be publicly notified.~~

120. The Panel recommends these amendments be made under Clause 16(2) of the First Schedule of the RMA.

Schedules

121. As a result of recommendations stemming from the Coastal Environment recommendation it is considered the following text should be included at the outset of each of the following schedules in order to provide consistency:

Schedule Two: Notable Trees

This schedule describes the trees identified as meeting the criteria of being a Notable Tree. These trees are mapped on the Planning Maps, which show the location of the trees described in the schedule and to which the rules apply.

Schedule Four: Significant Natural Areas

This schedule describes the areas identified as meeting the criteria of Significant Natural Areas. These trees are mapped on the Planning Maps, which show the location of the areas described in the schedule and to which the rules apply.

Schedule Five: Outstanding Natural Landscapes

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

Schedule Six: Outstanding Natural Features

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

122. The Panel considers these are consequential amendments under Clause 16(2) of the First Schedule of the RMA stemming from changes to the Coastal Environment schedule.

Minor Errors and Typos

123. It is possible that the various recommendations contain minor errors and/or typos. The Panel recommends that the Ms Easton be enabled to make any correction of a minor nature or to correct any typos prior to notification of the Plan.

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



Dean Chrystal

Hearings Panel - Chair

Date: 20 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Definitions

APPROVED BUILDING PLATFORM	Means a building platform approved by building consent or otherwise allowed under the Building Act or Regulations , resource consent, or identified on the applicable computer freehold register.
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Cross Plan Matters – Notification Clauses

- SIGN-R22

~~Notification~~ Applications for signs on sites and areas of significance to Māori will always be notified to the relevant rūnanga and may be publicly notified. **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**
- HH-R9

~~Notification~~ Activities to demolish or destroy a Heritage Item or Area will always be limited notified to Heritage New Zealand – Pouhere Taonga. **When making notification decisions in relation to this rule, the Council will consult with Heritage New Zealand - Pouhere Taonga.**
- GRZ - R15

~~Notification~~ Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.
- LLRZ - R12

~~Notification~~ Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.
- MRZ - R12

~~Notification~~ Applications for community facilities will always be notified to adjacent neighbours and may be publicly notified.
- SETZ - R21.

~~Notification~~ Applications for community facilities will always be limited notified to adjacent neighbours and may be publicly notified.
- NFL-R9

~~Notification~~ Applications which will substantially modify an Outstanding Natural Feature will be notified to the Geosciences Society and may be publicly notified. **When making notification decisions in relation to this rule, the Council will consult with Geosciences Society of New Zealand.**
- NFL-R15

~~Notification~~ Applications to destroy any Outstanding Natural Feature or the Values which make it Outstanding will always be Notified to the Geosciences Society of New Zealand and may be publicly notified. **When making notification decisions in relation to this rule, the Council will consult with Geosciences Society of New Zealand.**
- TRN-R13

~~Notification~~: Applications will always be publicly notified.

Ecosystems and Biodiversity

Overview

...

The West Coast/Te Tai o Poutini contains a significant amount of intact natural diversity by comparison with other parts of New Zealand/Aotearoa me Te Waipounamu. Continuous tracts of lowland and coastal forests and freshwater as well as coastal wetlands cover large areas. In many places indigenous ecosystems and habitats extend unbroken from the mountains to the sea. **Approximately** 84% of the land area is under the management of the Department of Conservation. In total an estimated 90% of the West Coast/Te Tai o Poutini is covered in indigenous vegetation - compared with 24% nationally.

While the West Coast/Te Tai o Poutini is fortunate to have a wide range of diverse and intact ecosystems and vegetation types, **they occur primarily in the uplands** and there are some ecosystems and vegetation types not well represented in the protected areas network. These are generally ecosystems found in the lowland areas of the West Coast/Te Tai o Poutini, **and include threatened ecosystems such as coastal turf and wetlands, and vegetation types such as coastal forest and forests on alluvial terraces.**

RURZ – Rural Zones

Overview

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

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

...

Commercial Zone

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

Activity Status Permitted

Where:

...

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

Neighbourhood Centre Zone

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

Activity Status Permitted

Where:

...

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

General Industrial Zone

Rule GIZ – R1 Industrial Activities and Industrial Buildings

Activity Status Permitted

Where:

...

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

Light Industrial Zone

Rule LIZ – R1 Industrial Activities and Industrial Buildings

Activity Status Permitted

Where:

...

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

Hospital Zone

Rule HOSZ – R1 Healthcare and Medical Activities and Buildings

Activity Status Permitted

Where:

...

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

Port Zone

Rule PORTZ – R1 Port and Industrial Activities and Buildings

Activity Status Permitted

Where:

...

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

Stadium Zone

Rule STADZ – R1 Stadium Activity

Activity Status Permitted

Where:

...

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

Scenic Visitor Zone

Rule SVZ – R1

Activity Status Permitted

Where:

...

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

Schedules

The following text should be included at the outset of each of the following schedules in order to provide consistency:

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