

# **TAI POUTINI PLAN COMMITTEE**

## **Hearing of Submissions on the Proposed Te Tai O Poutini Plan**

### **Recommendation Report of Hearing Panel**

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#### **Recommendation Report: Topic**

#### **Strategic Directions – Te Pai Tawhiti**

**Hearing Dates: 30 October – 3 November 2023**

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#### **HEARING PANEL**

Dean Chrystal (Chair)

Sharon McGarry

Paul Rogers

Maria Bartlett

Anton Becker

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**PART A – INTRODUCTORY MATTERS**

**1. PRELIMINARY MATTERS**

**1.1. Introduction**

1. Matters to do with our 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 the Strategic Directions (**SD**) – Te Pae Tawhiti Chapter. The Report contains the Hearing Panel’s evaluations and recommendations to the pTTPP Committee on the submissions and further submissions received on these sections of Part 2 of the Plan.
3. The Strategic Directions Section 32 Report<sup>1</sup> provides an evaluation for the inclusion of SD in the Plan, including consideration of the regulatory framework, key resource management issues, the evidence and research basis, including the consultation, information and analysis undertaken and evaluation of the options. It concludes that *‘the proposed strategic objectives are considered to be the most appropriate way to achieve the purpose of the RMA as they will provide for the social, economic, cultural, and environmental wellbeing of the West Coast. They will ensure an RMA outcome-based approach to planning matters, so that strategic objectives can be achieved. Additionally, the objectives give effect to higher order documents.’*
4. The Section 42A Officer’s Report<sup>2</sup> (**‘s42A Report’**), authored by Ms Lois Easton (a Principal Consultant for Kereru Consultants) was circulated prior to the hearing. The s42A Report assessed a total of 458 submission points and 149 further submissions on the SD Chapter. It 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 recommendations on all submissions as to either accepted, accepted in part or rejected in Appendix 2). An Addendum to the s42A Report was issued highlighting 19 further submissions that had been omitted from the s42A Report in error.
5. Submissions on Strategic Directions as a whole, the Strategic Directions Overview and the relationship between strategic objectives and other plan objectives and policies were addressed at the beginning of the report.
6. A s32AA evaluation for all the recommended changes was provided at the end of the s42A Report.
7. This Recommendation Report largely follows the same structure as the s42A Report, addressing each of the SD topics in turn. The Panel has considered the submissions and further submissions, the s42A Report and Addendum analysis and recommendations,

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<sup>1</sup> Te Tai o Poutini Plan – Section 32 Evaluation Report One Overview and Strategic Directions

<sup>2</sup> Te Tai o Poutini Plan – Section 42A Report: Strategic Directions

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- submitter evidence and statements, the Reporting Officer's reply evidence and the responses to Minute 22, before providing our evaluation and recommendation.
8. 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 pTTPP provisions forms an integral part of the decision and records all recommended amendments (additions and deletions) to the notified pTTPP provisions made by the Panel. The tracked change version of the pTTPP shows the Panel's recommended changes to the notified provisions, with **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.
  9. 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, or a specific reasoning by the Panel.
  10. Where the Panel recommends the pTTPP 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.
  11. Where there is a recommended change to a notified provision of the pTTPP, 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 or Addendum 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).
  12. 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 and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.
  13. 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

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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.

14. 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.
15. 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.

### 1.2. Terminology in this Report

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

Resource Management Act 1991	RMA
New Zealand Coastal Policy Statement 2010	NZCPS
National Policy Statement Electricity Transmission 2008	NPSET
National Policy Statement for Renewable Electricity Generation 2011	NPSREG
National Policy Statement on Freshwater Management 2020	NPSFM
National Policy Statement on Urban Development 2020	NPSUD
National Policy Statement for Indigenous Biodiversity 2023	NPSIB
National Policy Statement for Highly Productive Land 2022	NPSHPL
National Planning Standards 2020	NPS
West Coast Regional Policy Statement 2000	WCRPS
Effects Management Hierarchy	EMH
Bathurst Resources Limited and BT Mining Limited	Bathurst Resources

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Birchfield Ross Mining Limited, Birchfield Coal Mines Limited, Papahaua Resource Limited, Phoenix Minerals Limited, Rocky Mining Limited, TiGa Minerals and Metals Limited, Whyte Gold Limited, WMS Group Limited and WMS Land Co. Limited	Collectively referred to as: - Birchfield <i>et al</i> and individually referred to as: - Birchfield - Papahaua - Phoenix - Rocky Mining - TiGa - Whyte Gold - WMS
Department of Conservation	DOC
Director General of Conservation	Director General
Federated Farmers of New Zealand	Federated Farmers
Heritage New Zealand Pouhere Taonga	HNZPT
Horticulture New Zealand	HortNZ
KiwiRail Holdings Limited	KiwiRail
Manawa Energy Limited	Manawa
Ministry of Education Te Tāhuhu o Te Mātauranga	Ministry of Education
Royal Forest and Bird Protection Society of New Zealand Inc.	Forest and Bird
Silver Fern Farms Limited by its authorised agents Mitchell Daysh Limited	Silver Fern Farms
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	Te Mana Ora
Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio	Poutini Ngāi Tahu
Te Tumu Paeroa – The office of the Māori Trustee	Te Tumu Paeroa
Toka Tū Ake EQC	EQC
Waka Kotahi NZ Transport Agency	Waka Kotahi

**1.3. Hearing arrangements**

17. The hearing was held at the West Coast Regional Council Building from the 30 October to 3 November 2023. Some submitters appeared remotely by internet connection.
18. At the hearing, Ms Easton tabled an Introductory Statement which in part covered Strategic Directions.

**1.4. Appearances**

19. The following submitters appeared at the hearing:

<b>Submitter</b>	<b>Parties appearing for</b>
Poutini Ngāi Tahu	Ms Katherine Viskovic and Ms Sarah Scott (legal) Ms Veronica Balwin-Smith (cultural) Ms Rachel Pull (planner)
Ms Inger Perkins	For themselves and on behalf of the West Coast Penguin Trust
Mr Anthony Eden	For themselves
Mr Richard Alridge	For themselves
Ms Katherine Crick	For themselves
Birchfield <i>et al</i>	Ms Alex Booker and Mr Alex Hansby (legal) Mr John Ballingall (economist) Ms Katherine McKenzie (planner) Mr Mark Birchfield and Mr Philip McKinnel (for Birchfield) Mr Raymond Mudgway, Mr Michael Stewart and Mr Duncan Hardie (for WMS) Ms Donna Meates (on behalf of Mr Chris Meates for Phoenix) Mr Iain Whyte (for Whyte Gold) Mr Robert Brand (for TiGa) Mr Thomas Ritchie (for Papahaua).
Silver Fern Farms	Mr Steve Tuck (planner)
Scenic Hotel Group	Mr Karl Luxon and Ms Kim Smith
Straterra	Ms Josie Vidal (CEO) and Mr Jeremy Harding

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Royal Forest and Bird Protection Society	Ms Nicky Snoyink
Mr Neil Mouat	For themself
Manawa Energy Limited	Ms Nicola Foran (corporate) Ms Stephanie Styles (planner)
Mr Vance Boyd	For themself
Mr Greg Maitland	For themself
Terra Firma Mining Limited	Ms Lucy Smith (corporate)
Westpower	Mr Rodger Griffiths (corporate) Mr Martin Kennedy (planning) Ms Sylvie Saskova, (technical administrator)
Ms Annie Inwood and Ms Suzanne Hill	For themselves
Ms Kair Lippiatt	For themself
Development West Coast	Mr Heath Milne (corporate)
KiwiRail	Ms Allison Arthur Young and Ms Kristen Gunnell (legal) Ms Michelle Grinlinton-Hancock (corporate) Ms Catherine Heppelthwaite (planner)
Ms Frida Inta	For themselves and on behalf of Buller Conservation Group
West Coast Fish and Game Council	Mr Dean van Mierlo (legal) Mr Dean Kelly (planner)
Te Tumu Paeroa	Ms Sonya Rimene and Ms Ngahuia Huirama
Director General of Conservation	Mr Matthew Pemberton (legal) Ms Amy Young (planner)
Transpower	Ms Rebecca Eng (corporate) and Ms Pauline Whitney (planner)
Bathurst Resources	Mr Joshua Leckie (legal counsel) Mr Richard Tacon (corporate) Ms Claire Hunter (planner)

**1.5. Overview of submitter evidence received**

20. For those appearing at the hearing legal submissions were received from:
- (a) Ms Katherine Viskovic and Ms Sarah Scott for Poutini Ngāi Tahu (dated 16 October 2023),
  - (b) Mr Dean van Mierlo for Fish & Game (dated 12 October 2023),
  - (c) Ms Alex Booker and Alex Hansby for Birchfield et. al. (dated 13 October 2023),
  - (d) Ms Alison Arthur-Young and Ms Kirsten Gunnell for KiwiRail (dated 16 October 2023);
  - (e) Mr Matt Pemberton for the Director General of Conservation (dated 26 October 2023),
  - (f) Ms Christina Sheard and Mr Joshua Leckie for Bathurst Resources and BT Mining; and
  - (g) Ms Lucy de Latour for the TTPP Committee (dated 13 October 2023).
21. For those appearing at the hearing the following evidence and/or statements were received:
- (a) Mr Dean Kelly, manager of West Coast Fish and Game (dated 27 September 2023);
  - (b) Mr Rodger Griffiths, GM for Westpower (dated 16 October 2023);
  - (c) Mr Martin Kennedy, planner for Westpower Limited (dated 1 October 2023);
  - (d) Ms Nicola Foran, environmental policy manager for Manawa (dated 29 September 2023);
  - (e) Ms Stephanie Styles, planner for Manawa (dated 26 September 2023);
  - (f) Ms Rebecca Eng, Technical Lead - Policy for Transpower (dated 29 September 2023);
  - (g) Ms Pauline Whitney, planner for Transpower (dated 29 September 2023);
  - (h) Ms Veronica Baldwin-Smith for Ngāi Tahu (dated 2 October 2023);
  - (i) Ms Rachael Pull for Poutini Ngāi Tahu (dated 2 October 2023);
  - (j) Mr Heath Milne, CEO for Development West Coast (dated 30 September 2023);
  - (k) Ms Amy Young on behalf of the Director General of Conservation (dated 16 October 2023);
  - (l) Mr George Brand, Managing Director of TiGa Minerals and Metals Limited (dated 2 October 2023);
  - (m) Mr John Ballingall, economist for Birchfield et. al. (dated 2 October 2023);
  - (n) Ms Katherine McKenzie, planner for Birchfield et. al. (dated 2 October 2023);
  - (o) Mr Thomas Ritchie for Rocky Mining Limited and Papahaua Resources Limited (dated 2 October 2023);

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- (p) Mr Michael Stewart for WMS Group Limited and WMS Land Co Limited (WMS) dated 2 October 2023);
  - (q) Mr Duncan Hardie for WMS (dated 2 October 2023);
  - (r) Mr Raymond Mudgeway for WMs (dated 2 October 2023);
  - (s) Mr Iain Whyte for Whyte Gold Limited (dated 2 October 2023);
  - (t) Mr Chris Meates for Phoenix Minerals Limited (dated 2 October 2023);
  - (u) Mr Mark Birchfield for Birchfield’s Ross Mining Limited (dated 2 October 2023);
  - (v) Mr Phillip McKinnel, CEO for Birchfield Coal Mines Ltd (dated 2 October 2023);
  - (w) Ms Michelle Grinlinton-Hancock, RMA Team Leader for KiwiRail (dated 2 October 2023);
  - (x) Ms Catherine Heppelthwaite, planner for KiwiRail (dated 2 October 2023);
  - (y) Ms Emily Levenson, Environmental Policy Advisor at Horticulture New Zealand (dated 29 September 2023);
  - (z) Mr Richard Tacon, CEO for Bathurst Resources Limited (dated 29 September 2023);
  - (aa) Ms Clare Hunter, planner for Bathurst Resources Limited (dated 29 September 2023);
  - (bb) Mr Vance Boyd for himself (date 31 October 2023);
  - (cc) Ms Lucy Smith for Terra Firma Mining Limited (date 31 October 2023);
  - (dd) Ms Josie Vidal, CEO for Straterra (October 2023);
  - (ee) Ms Frida Inta for herself and Buller Conservation Group
  - (ff) Ms Sonya Rimene and Ms Ngahuia Huirama for Māori Trustee, Dr Charlotte Severne (dated 31 October 2023);
  - (gg) Ms Inger Perkins for herself (dated 30 October 2023);
  - (hh) Ms Inger Perkins for the West Coast Penguin Trust (**WCPT**) (dated 30 October 2023);
  - (ii) Ms Nicky Snoyink, Regional Conservation Manager for Forest & Bird (dated 31 October 2023);
  - (jj) Ms Katherine Crick for herself (dated 30 October 2023); and
  - (kk) Mr Phillip Alridge for himself.
22. The following evidence was tabled without hearing appearances:
- Letter from Mr Chris Horne on behalf of Chorus, Spark and One NZ dated 20 September 2023;

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- Letter from Mr Steve Tuck, planner on behalf of Silver Ferns Farms dated 16 October 2023 and a statement (dated 17 October 2023);
- Statement of evidence by Ms Kate Graham, planner for the Ministry of Education dated 11 October 2023;
- Statement of evidence by Ms Fiona Thomson on behalf of West Coast Regional Council dated 16 October 2023; and
- Statement of evidence by Ms Rebecca Davies on behalf of New Zealand Defence Force dated 27th October 2023.

#### 1.6. Overview of information exchanged following the hearing

23. Following the hearing, the Panel received the following further information:

- An initial Right of Reply from Ms Easton (dated 10 November 2023) addressing the breadth of scope provided by the submissions on the Strategic Directions ("**Initial reply evidence**"), which included a legal opinion on the issue of scope from Wynn Williams.
- Further comment from Forest and Bird on the primacy of the SD ("**the Forest and Bird November letter**" date 3 November 2023).
- A supplementary submission from counsel for Bathurst Resources addressing the legal position on the primacy of SD and providing an alternative objective/policy structure for the Mineral Extraction SD ("**the Bathurst November supplementary submission**" dated 24 November 2023).
- A supplementary submission from counsel for the Director-General of Conservation addressing questions posed by the Panel at the hearing ("**the Director General of Conservation November supplementary submission**" dated 10 November 2023).
- Evidence from Ms Rebecca Eng addressing questions posed by the Panel at the hearing ("**Transpower November evidence**" dated 10 November 2023).

24. On 19 January, the Panel issued Minute 16 to Ms Easton requesting consideration of an objective/policy structure for the SD, the need for an 'economic' SD and a 'natural hazard' SD. Ms Easton's response ("**review paper**") was received on 5 April 2024.

25. The Panel then issued a further minute (Minute 22) inviting submitters to respond to Ms Easton's 5 April 2024 correspondence (by 24 May 2024). A total of 12 submitters responded to Minute 22 ("**responses to Minute 22**").

#### 1.7. Procedural Steps and Issues

26. No procedural matters were raised at the hearing.

#### 1.8. Site Visits

27. No site visits relating to this chapter were undertaken.

## PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

28. Strategic Directions is one section of seven sections located in Part 2 – District-Wide Matters – Te Wāhanga 2 – Ngā Kaupapa ā-Rohe Whānui. As notified, the section includes strategic objectives for seven significant resource management issues identified for the three districts, including Agriculture, Connections and Resilience, Mineral Extraction, Natural Environment, Poutini Ngāi Tahu, Tourism and Urban Form and Development. In the case of Poutini Ngāi Tahu, the SD (as notified) comprises objectives and policies.
29. The section 32 Report outlined the relevant statutory considerations applicable to the TTPP, but not how they specifically informed the SD. The statutory documents included the RMA, NZCPS, NPSET, NPSREG, NPSFM, NPSUD, NPSIB (draft at the time), NPSHPL (draft at the time), the NPS, the WCRPS, the Iwi Management Plans, the Mana Whakahono a Rohe Agreement and the Statutory Acknowledgements. The section 32 Report also listed several other documents, including national environmental standards, statutes and local policies, but again, did not describe their direct relevance to the SD.
30. In considering submissions and making recommendations, the s42A Officer has referred directly to the NZCPS, NPSFM, NPSET, NPSREG, NPSIB, and the WCRPS. The evaluation below will discuss their relevance to the SD.
31. The Panel accepts the NPSIB does not apply to the development, maintenance to the upgrade of renewable electricity generation assets and activities, and electricity transmission network assets and activities.
32. Clause 10 of the First Schedule states that providing decisions on individual submissions is unnecessary. The Panel's recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation.
33. With respect to SD, the National Planning Standards (**NPS**) directs that:
  1. *If the following matters are addressed, they must be located under the Strategic direction heading:*
    - a. *an outline of the key strategic or significant resource management matters for the district*
    - b. *issues, if any, and objectives that address key strategic or significant matters for the district and guide decision making at a strategic level*
    - c. *policies that address these matters, unless those policies are better located in other more specific chapters*
    - d. *how resource management issues of significance to iwi authorities are addressed in the plan.*
  2. *Rules must not be included under the Strategic direction heading.*
  3. *An Urban form and development chapter must be included under the Strategic direction heading.*
  4. *Each strategic direction matter must be its own chapter and be included alphabetically under the Strategic direction heading.*

## PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

### 1.9. General comments

#### Structure of the Strategic Directions

34. The Panel noted that the purpose of strategic directions is to provide an overarching guidance and framework for the Plan and its development, implementation, and interpretation. SD provide the vision and goals for the combined districts and how they will manage their resources and plan for development in a way that aligns with national and regional priorities moving forward. We noted that there is a need to ensure that subsequent chapters and provisions are consistent with this overall direction that is established.
35. The Panel notes that the NPS requires that if the following matters are addressed, they must be located under the SD heading:
- a. *an outline of the key strategic or significant resource management matters for the district*
  - b. *issues, if any, and objectives that address key strategic or significant matters for the district and guide decision making at a strategic level*
  - c. *policies that address these matters, unless those policies are better located in other more specific chapters*
  - d. *how resource management issues of significance to iwi authorities are addressed in the plan.*<sup>3</sup>
36. At the hearing the Panel raised some concerns about the structure of the notified SD and noted that broadly many of the directions were drafted as policies rather than objectives.
37. Following the SD hearing, counsel for Bathurst provided the Bathurst November supplementary submission which, in part, provided submissions on whether some of the Minerals (**MIN**) SD would sit more appropriately as policies (rather than objectives). Helpfully, they offered a redraft of the provisions.
38. In December 2023, the Panel issued Minute 16 asking Ms Easton to consider whether a redraft of the SD (into objectives and policies) was possible (within scope) or appropriate. In her response (dated 5 April 2023), Ms Easton advised:

*The strategic directions chapter is the only “cross plan” chapter in the Plan. If the Commissioners consider that some of the strategic objectives are more appropriately included as policies, it is my view that these should be strategic policies within the Strategic Directions chapter.*

...

*I have reviewed the submissions that affect the strategic objectives and I consider that there is no scope for substantial amendment (other than the specific wording changes sought by submitters), or converting the objectives to policies for the:*

- *Agriculture Strategic Objectives*

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<sup>3</sup> Chapter 7, Mandatory directions, National Planning Standards

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- *Poutini Ngāi Tahu Strategic Objectives and Policies*

*I do consider there is more scope for amendment to the:*

- *Connections and Resilience Objectives*
- *Mineral Extraction Strategic Objectives*
- *Natural Environment Strategic Objectives*
- *Tourism Strategic Objective*
- *Urban Form and Development Strategic Objective*

39. Helpfully, Ms Easton drafted a suite of provisions formatted as objectives and policies for those SD where she considered there to be scope for such an amendment, and these are discussed below.
40. Following receipt of Ms Easton’s response to Minute 16, the Panel issued Minute 22, inviting submitters to also comment on the reformatting of the SD to objectives and policies.
41. Overall, the revised SD (to an objective/policy format) garnered little attention from those submitters who responded to Minute 22. Most of the respondents commented on the specific details of the SD Chapter rather than the format of the SD (with most comments falling on the appropriateness of having a specific Economic Development SD (discussed further below)).

Panel Comment

42. The Panel considers an approach to SD involving objectives and policies is open to consideration and may help strengthen the Chapter overall. We have, therefore, given this consideration in terms of each section below. In this context, we note that the Poutini Ngāi Tahu section of SD already contains an objective and policy framework.

**Climate change and natural hazards**

43. Many submitters, including two of the three District Councils, canvassed the need to incorporate SD for climate change and natural hazards. The Panel has considered additional provisions addressing climate change and natural hazards under the Connections and Resilience SD. The available scope to consider climate change and natural hazards provisions is discussed in Section 1.13 below.

**Economic Strategic Direction**

44. The Panel requested that Ms Easton consider the appropriateness and scope for an Economic SD. In her Right of Reply, Ms Easton advised:

*Economic development is undoubtedly a significant strategic issue for the West Coast, and the approach of the TTPP Committee was to identify the main economic sectors on the West Coast (Mining, Agriculture, Tourism) and to have strategic directions for each of these. This reflected the feedback provided by the community and stakeholders through the Plan development process.*

*There have been a series of economic development action plans and strategies in place for the West Coast during the period of development of TTPP. The current West Coast*

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*economic development strategy is Te Whanaketanga. This sits more widely than the RMA planning framework for TTPP. The main areas where TTPP intersects with this framework are as follows:*

- *Resilience – and vulnerability to extreme weather, sea level rise and natural disaster is identified as a key issue.*
- *Identification that the economy of the West Coast is not very diverse, and relies on natural resources for economic prosperity.*
- *That there is poor housing quality and a lag in supply of new housing.*
- *That the economy has a heavy reliance on transport infrastructure and with a large geographical area means that infrastructure is challenging to fund and deliver.*

*Broadly I would consider that the current strategic objectives largely capture this, particularly within the Connections and Resilience, Mineral Extraction, Agriculture and Tourism Strategic Directions. The poor housing quality issue is addressed in the Urban Development Strategic Direction, and the lag in supply of new housing has been addressed by the very large amount of rezoning of land for residential development, and provision of new medium density and mixed use zones in the Plan.*

*In terms of whether an approach of having a broad economic development objective with supporting policies, rather than individual strategic directions for Mineral Extraction, Agriculture and Tourism, I do not recommend this approach...*

*I also note that submitters have not specifically sought this, and many would consider this approach a dilution of the intent of the strategic direction which highlights specific economic areas as being strategically important to the West Coast. However, I acknowledge that there are aspects of the West Coast economy not currently addressed in the strategic directions.*

45. In their response to Minute 22, counsel for Poutini Ngāi Tahu agreed with Ms Easton that a broad Economic SD is not appropriate, specifically stating<sup>4</sup>:

*While Ngāi Tahu supports economic development on the West Coast, it is very concerned that broadening out the strategic direction to recognise economic development more generally will have the potential to place economic wellbeing above any other strategic objective. It is concerned that this approach may result in ‘watering down’ the provisions that specifically recognise other matters of strategic importance, including Poutini Ngāi Tahu values.*

46. In their response to Minute 22, Westland District Council advised that:

*An overarching economic development objective is not necessary. Enabling economic provisions area contained throughout the plan and is supported within high level planning documents. [sic] Economic development shouldn’t take precedence over other community and environmental needs. The inclusion of this within the strategic direction chapter will potentially lead decision makers to believe this is the intention of the plan.*

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<sup>4</sup> Memorandum on behalf of Te Rūnanga O Ngāti Waewae, Te Rūnanga O Makaawhio and Te Rūnanga O Ngāi Tahu, dated 29 April 2024

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47. Similarly, Buller District Council (**BDC**) considered '*overarching economic development objectives could potentially result in a dilution of the intent of the current strategic directions, which are considered to target key economic areas*'.
48. In their response to Minute 22, Mr Tuck (for Silver Fern Farms) supports the inclusion of specific Economic SD. Mr Tuck broadly supported the Economic SD suggested (but not supported) by Ms Easton (in her 5 April 2024 response), but considered that amendments to ED-O1 and ED-P5 are required to broaden their application to other activities (not just agriculture, mineral extraction and tourism). Mr Tuck acknowledged that changes to the UFD SD were also appropriate to address the issue of reverse sensitivity.
49. Counsel for Bathurst (in their response to Minute 22) did not oppose the inclusion of Economic SD, but rather promoted arguments that they should not supplant the need for a specific Mineral Extraction SD.
50. Ms Inta provided a response to Minute 22 and noted that:

*I do not support an inclusion of Economic Development in the TTPP Strategic Directions. It would unbalance the TTPP in favour of economic development at the expense of the other important issues encapsulated in Section 5: Purpose of the RMA. Economic development is an issue particularly important to most West Coasters, but no matter how important it is it cannot override other considerations under the RMA to produce a biased district-wide plan.*

51. Ms Smith (for Terra Firma) responded to Minute 22, noting that the Economic Development SD did not specifically recognise and provide for the use and development of mineral resources and did not reflect the sector's importance to the West Coast.

#### Panel Comment

52. The Panel has considered Ms Easton's comments and those of submitters who responded to Minute 22 of the issue of an Economic Development SD. We acknowledge the comments that an Economic Development SD might be seen as taking precedence over other provisions. However, the Panel addresses the issue of primacy of SD below. The Panel concludes that while it has been worthwhile teasing this issue out and that as acknowledged by Ms Easton, there are aspects of the West Coast economy not currently addressed in the strategic directions, we have decided that an Economic Development SD should not be included in the TTPP. The Panel acknowledges there are inherent differences between the three key areas of Mineral Extraction, Agriculture and Tourism and there is a potential danger bringing those elements together under one SD might dilute of the overall intent.
53. In addition to the above, the Panel is conscious that while there might be a broad level of scope available to us, no submitters have specifically sought this particular outcome.

#### Other matters

54. The Panel notes that the issue of how '*energy activities and infrastructure*' aligns with '*critical infrastructure*' and '*strategically significant infrastructure*' is raised by several submitters. The Panel is mindful that the approach adopted needs to be consistent throughout the pTTPP. As set out in the Energy, Infrastructure and Transport Recommendation Report the definition of '*critical infrastructure*' has been recommended to be replaced with '*Regionally Significant Infrastructure*' which effectively mirrors the WCRPS. All recommendations in this

report adopt the recommendations on this issue set out in the Energy, Infrastructure and Transport Recommendation Report.

### **1.10. Primacy of the Strategic Directions**

#### **Submissions and Further Submissions**

55. Four submission and six further submission points were received on the following statement (“**the primacy statement**”) included in the SD Overview and at the end of each set of SD:

*For the purposes of preparing, changing, interpreting, and implementing Te Tai o Poutini Plan, all other objectives and policies in all other chapters of this Plan are to be read and achieved in a manner consistent with these Strategic Directions.*

56. All four submission points opposed the inclusion of the primacy statement and the Forest and Bird submission (S560.434) provided alternative wording. Five of the six further submission points sought that the primary submissions be rejected.

#### **Section 42A Report**

57. Ms Easton recommended rejecting the submissions seeking deletion of the primacy statement.

#### **Hearing and Submitter Evidence**

58. Forest and Bird considered that the primacy statement is particularly problematic because *‘the strategic directions are worded more like policy direction, they set direction on implementation rather than outcomes and include directive terms that could create conflicts with achieving higher order documents’*<sup>5</sup>. Forest and Bird noted that while their approach to the primacy statement does not differ (i.e. to have it removed), its inclusion in other district plans (i.e. Selwyn and New Plymouth) is less concerning because those strategic objectives are less directive. They considered there was better wording that could be applied that came from Environment Court decisions and had been used in the notified proposed Napier District Plan which was similar to what they had sought through their submission on the pTTPP.
59. Mr Kennedy (for Westpower) supported the retention of the primacy statement (although his evidence addressed it as a matter relating to the first paragraph of the overview).
60. During the hearing the Panel questioned the parties as to whether there was any Environment Court authority addressing whether strategic objectives should be drafted to have primacy over other objectives in a district plan and sought feedback on that matter.

#### **Responses and Reporting Officer Reply Evidence**

61. Following the completion of the hearing, and in response to the Panels queries, correspondence was received from Forest and Bird<sup>6</sup> and Bathurst<sup>7</sup> commenting on the

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<sup>5</sup> Forest and Bird Hearing Notes, page 2

<sup>6</sup> Memorandum dated 3 November

<sup>7</sup> Supplementary Legal Submissions on behalf of Bathurst Resources Limited and BT Mining Limited, 24 November 2023

appropriateness of the primacy statement with both citing *Darby Planning Ltd Partnership v QLDC*. The Bathurst response quoted that case as follows<sup>8</sup>:

*This authority suggests that the standard approach to drafting does not include placing any primacy on strategic objectives. In the context of the QLDC PDP, the Court observed that it was a relatively standard approach for strategic objectives not to be treated in isolation or with primacy but rather that they be considered according to relevant groupings.*

62. Forest and Bird provided a useful analysis on the NPS (and status of SD), concluding that<sup>9</sup>:

*x. There is nothing in RMA, ss 58B – 58J to suggest that the Standards supplant the Council’s functions or obligation to construct its plan in accordance with ss 74, and 75. On the contrary, the purpose of the Standards is to assist with achieving the RMA’s purpose and set out the requirements relating to structure, format or content. This means any provisions included in the Proposed Plan using the discretion under the Standards Chapter 7 cl 1. must accord with Part 2, s 31, s 74 and s 75.*

*xi. There is nothing in RMA, s 75 or the Standards to suggest that there is a hierarchy amongst objectives that must or may be included in the proposed plan or that there is a requirement that they be assessed against each other. Standards, Chapter 7, cl 1(b) simply stipulates that objectives that address key strategic matters for the district and guide decision making at a strategic level, must be located under the strategic heading. The Standard does not require the inclusion of strategic objectives and does not suggest that they be any more than for the purpose of guiding decision making at a strategic level.*

63. Forest and Bird submitted that the Strategic Directions should not have primacy but should identify and address the district's key resource management issues.

64. Having considered the further information provided by Forest and Bird and counsel for Bathurst, in her response to Minute 16 (dated 5 April 2024), Ms Easton agreed that the primacy statement should be deleted.

65. Various parties (Bathurst, Ms Inta, and Westland District Council (**WDC**)) responded to Minute 22, with some concurring with Ms Easton’s response, and others disagreeing.

66. Mr Kennedy disagreed with the recommendation and stated that<sup>10</sup> *“the paragraph does not seek that the strategic directions take precedence over all other matters but that, when undertaking planning activities, objectives and policies throughout the plan are implemented in accordance with, ie read and achieved in a manner consistent with ..., the strategic matters identified as key resource management issues for the region”*.

67. Terra Firma said that<sup>11</sup> *“given the importance of the strategic objectives in achieving a vision for land use, it seems they should have a role somewhere between having primacy over, and being entirely equal to, other provisions”*. They suggested that the primacy statement be

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<sup>8</sup> *Darby Planning Limited Partnership v Queenstown Lakes District Council* [2019] NZEnvC 133 – specifically at [71], referring to an Environment Court Minute dated 22 February 2019 at [10]

<sup>9</sup> Response to Panel questions, 3 November 2023

<sup>10</sup> Further comment to s42a reporting officer’s response in relation to Minute 16, dated 27 October 2023

<sup>11</sup> Feedback on Minute 22 Strategic Directions, dated 24 May 2024

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amended to reflect the need to consider whether other provisions are consistent with Strategic Directions.

68. Poutini Ngāi Tahu agreed that the NPS do not require a hierarchy in the strategic directions chapter of a district plan and confirm the role of the chapter is for it to apply on a district wide basis and provide requirements as to what must be included in that chapter. Counsel for Poutini Ngāi Tahu noted, however, that Court’s observations in *Darby* were given in the context of the Queenstown proposed District Plan itself, which was exempt from implementing the NPS at that time. It was submitted that<sup>12</sup>:

*...the Darby decision is of no assistance to the Panel’s recommendations on the proposed TTPP Strategic Directions chapter, and its relationship with the rest of the TTPP. Except perhaps for the helpful principle that it is well worth the TTPP being clear in how each of its various chapters relate to each other – so that there is no room for debate, or unnecessary uncertainty, in the current and future plan development, or plan implementation.*

69. Poutini Ngāi Tahu pointed out that the wording of the Overview section confirms there is no hierarchy between strategic objectives, and they consider that there is nothing in the overview text that suggests that there is a ‘hierarchy’ between the SD Chapter and the rest of the pTTPP. Poutini Ngāi Tahu did not agree with Ms Easton that the statement needs to be deleted. Nevertheless, they consider if there is uncertainty around this, then clarification that there is no ‘hierarchy’ between the strategic directions and other parts of the pTTPP would be supported.
70. Mr Boyd did not support the removal of the primacy statement, considering that<sup>13</sup> ‘while it was not unreasonable to consider natural hazard (and other) sections in a complementary way it would be sensible for the Strategic Directions chapter to “set the scene” while the detail could be dealt with in the relevant sections’.

### Evaluation

71. Considering the evidence, the Panel accepts that the strategic directions should not have primacy over other objectives and policy. In other words, there should be no hierarchy. We are of the view that the current wording does leave it open to interpretation (and therefore uncertainty) that the strategic directions are given primacy in the TTPP, which is borne out to some extent by the differing views expressed by the various parties on the same wording.
72. The Panel considers it useful to clarify the situation to provide a greater level of certainty rather than to delete the relevant paragraph altogether. However, we do not consider it necessary to have clarifying wording applied after each suite of strategic directions, as is currently the case. Any clarifying wording, in our view, appropriately sits in the Overview section alongside the other guidance within that section.
73. In their submission, Forest and Bird provided alternative wording as follows:

*For the purpose of District Plan development, including Plan changes, the strategic objectives in this chapter provide direction for the development of the more detailed provisions contained in the District Plan. For the purpose of District Plan implementation (including the determination of resource consent*

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<sup>12</sup> Memorandum on behalf of Te Rūnanga O Ngāti Waewae, Te Rūnanga O Makaawhio And Te Rūnanga O Ngāi Tahu, dated 29 April 2024

<sup>13</sup> Comment on Minute 16 and 22, dated 24 May 2024

*applications and notices of requirement): a) the strategic objectives may provide guidance on what the related objectives and policies in other chapters of the District Plan are seeking to achieve; and b) the relevant objectives and policies of the District Plan (including strategic objectives in this chapter) are to be considered together and no fixed hierarchy exists between them.*

74. While the Panel considers the above wording somewhat cumbersome, there are elements that we find would be useful in a revised version of the statement that help provide clarity of the issue. For these reasons, we recommended the following amended wording:

*For the purposes of preparing, changing, interpreting, and implementing Te Tai o Poutini Plan, **the relevant objectives and policies of the District Plan (including strategic objectives in this chapter) are to be considered together and no hierarchy exists between them.** ~~all other objectives and policies in all other chapters of this Plan are to be read and achieved in a manner consistent with these Strategic Directions~~*

75. Furthermore, the primacy statement (as notified) be deleted from the end of each of the SD objectives, which addressed in each recommendation box below.

### **Recommendation**

76. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the that relevant submission points identified in the footnotes below are accepted in part and that changes are made to the Strategic Direction Overview as follows:

*For the purposes of preparing, changing, interpreting, and implementing Te Tai o Poutini Plan, **the relevant objectives and policies of the District Plan (including strategic objectives in this chapter) are to be considered together and no hierarchy exists between them.** ~~all other objectives and policies in all other chapters of this Plan are to be read and achieved in a manner consistent with these Strategic Directions~~<sup>14</sup>*

### **1.11. Strategic Directions Overview**

#### **Submissions and Further Submissions**

77. Eighteen submission points were received in support of the SD Overview; and 17 submission points and 16 further submissions were received seeking amendments to the SD Overview. The Panel adopts the summary of the submissions and further submissions provided in the s42A Report.

#### **Section 42A Report**

78. Ms Easton recommended minor changes to the SD Overview in response to submissions, including changes to clause (2) (West Coast Penguin Trust (S275.008) and Suzanne Hills (S443.007)), clause (4) (Director General (S602.024)), clause (5) (Te Mana Ora (S190.003)), and removal of reference to 'zone and overlay objectives and policies' and replacing it with 'other objectives and policies' (noting that not all objectives and policies are tied to zones and overlays) (Forest and Bird (S560.085)).

<sup>14</sup> Royal Forest and Bird Protection Society of New Zealand Inc. (S560.090, S560.086, S560.088, S560.097, S560.102, S560.103, S560.105, S560.435)

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79. Ms Easton recommended that the Director General's submission (S602.023) to amend the Title Page be rejected as listing resource management issues is no longer a standard practice in second-generation plans.
80. Ms Easton recommended that submissions seeking reference to resource management issues (Director General (S602.023)), sustainable development (Inger Perkins (S462.003)) or the aggregate industry (Aggregate and Quarry Association (S521.015)) be rejected. Further, she recommended that the submission seeking to include reference to *'biodiversity and natural heritage'* (in lieu of *'natural environment'*) (Director General (S602.023)) be rejected.
81. Ms Easton recommended rejecting submissions seeking to broaden or narrow the clauses within the Overview (Te Mana Ora (S190.004), Buller Conservation Group (S552.035), Frida Inta (S553.035) and Forest and Bird (S560.433)).
82. Ms Easton recommended that Westpower's (S547.046) amendments to clause (4) should be rejected as it considered this would dilute the RMA's purpose.
83. Ms Easton did not support the submission by Westpower (S547.045 and S547.047 and further submission by Transpower (FS110.008)) to include *'construction...and upgrade'* and *'energy activities and infrastructure'* in clause (6). Ms Easton considered *'operation and maintenance'* to be sufficient.
84. Finally, Ms Easton considered the additional clause sought by Development West Coast (S484.003) associated with enabling thriving communities through a resilient, sustainable and diverse economy and the use and development of resources was covered adequately in clauses (4) and (5).

### **Hearing and Submitter Evidence**

85. The evidence summaries below refer only to areas of disagreement (i.e. where a submitter disagrees with the recommendation of the Reporting Officer).

#### ***Heading***

86. Ms Young (for the Director General) clarified that the Director General's submission merely seeks that the SD Title Page list the actual SD headings.

#### ***Paragraph 1***

87. Forest and Bird noted that the Reporting Officer's recommendation to support the removal of *'zone or overlay'* (in front of objectives and policies) had not been picked up in the amendments set out in Appendix 1 to the s42A Report.

#### ***Clause (4)***

88. Forest and Bird opposed the amendment to clause (4) (promoted by the Director General and supported by the Reporting Officer) to replace *'fostering'* with *'enabling'*. They noted: *While "enabling" may be clearer, as considered by the officer, its use in this context is not consistent with how it is used in s5 of the RMA. Section 5(2) refers to "'managing' use, development, and protection of natural and physical resources".* They considered that *'fostering'* should be retained and reference to *'protection'* should be included as a resource management outcome to foster. Forest and Bird had also sought several amendments to the clause.

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89. Ms Inta, who had sought some changes to the clause, opposed the recommendation to reject the inclusion of *‘including those’* (as recommended in her submission). She considered that *‘without my amendment this clause could allow unfettered exploitation of any natural value not deemed significant within the district/ region’*. She also opposed the amendment from *‘fostering’* to *‘enabling’* on the grounds that *‘foster’* is more neutral or objective than *‘enable’*.
90. With respect to the wording *‘protecting the natural values’*, Mr Kennedy (for Westpower) noted that *‘in many instances the plan proposes a management rather than prohibition or absolute protection approach in all instances. I note that in at least the cases of s6(a), (b) and (f) such areas are to be protected from inappropriate use and development and not all development’*. Accordingly, Mr Kennedy supported a *‘management’* rather than *‘protection’* approach.

#### **Clause (6)**

91. Mr Kennedy considered that the clause (6) should be amended to refer to *‘regionally significant infrastructure’* being a term used and defined in the WCRPS and suitably encompassing key infrastructure (including electricity generation and distribution infrastructure). He also considered that *‘construction’* and *‘upgrading’* should be added to the clause as the WCRPS<sup>15</sup> enables *‘development, operation, maintenance, and upgrading’* of regionally and nationally significant infrastructure.
92. Ms Whitney, for Transpower, also considered that *‘construction...and upgrading’* is a critical addition to the clause because these activities are distinct from *‘operation and maintenance’* and the NPSET provides for *‘construction...and upgrading’* (in respect of the National Grid).

#### **New Clauses**

93. Mr Kennedy reiterated support for a new clause (originally requested by Development West Coast), which states *‘enabling thriving communities through a resilient, sustainable and diverse economy and the use and development of resources’*. He considered that clause (4) and (5) do not provide sufficient coverage of the issue raised and that the clause better reflects the WCRPS<sup>16</sup>.

### **Responses and Reporting Officer Reply Evidence**

94. The amendments proposed by the Director General to the Title Page were further clarified in a post hearing response from the Director General’s counsel<sup>17</sup>.

### **Evaluation**

95. For improved clarity and consistency, the Panel agrees with the Director General that the Title Page should be amended to list the actual SD headings (both English and Te Reo Māori). The amendment includes the updated heading because of other recommendations further below. We also agree that the reference to *‘zone or overlay’* should be deleted and replaced with *‘other’* in the opening paragraph of the SD Overview given that there are district wide matters that are neither overlay nor zone.

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<sup>15</sup> Chapter 6, Objective 1

<sup>16</sup> Chapter 4, Objective 1

<sup>17</sup> Response to questions from the Panel, dated 10 November 2023

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96. The Panel agrees with Ms Easton's recommended amendment to clause (2) to include 'enhancing' environmental quality.
97. The Panel agrees with the amendments to clause (4) to replace 'fostering' with 'enabling' and introducing 'cultural and heritage' as part of the values. In terms of the former, while we acknowledge the concerns expressed by submitters regarding the word 'enabling', we consider it better understood in resource management terms than 'fostering' and note that it is being used in conjunction with 'whilst protecting' in this context. Finally, on this clause, we agree with Ms Easton that the word 'protecting', rather than 'management' as sought by Mr Kennedy, is more appropriate in the context of this clause given the reference to matters of national importance in the RMA.
98. Regarding clause (5), the Panel agrees with submitters and Ms Easton that introducing a 'sustainable economy' is appropriate and counterbalances the 'prosperous economy' component of the clause. In terms of Ms Easton's introducing 'including agriculture', we are concerned that this might be seen as picking a winner by singling one industry out. However, on review of the submission in detail and the relief sought, Te Mana Ora (\$190,003) are requesting the inclusion of Agriculture in the SD cover page, as they refer to it not included under a heading rather than in clause (5). This is similar to the submission sought by the Director General above. For these reasons, we do not recommend the inclusion of 'including agriculture' in clause (5) but accept that it should be included on the Strategic Directions cover page.
99. Regarding all other submissions, the Panel agree with Ms Easton's conclusions on each submission and further submission point.
100. There are three consequential amendments to the SD Overview that arise because of other recommendations. The first relates to the reference in clause (6) to 'critical infrastructure' which because of recommendations in the Energy, Infrastructure and Transport Chapters has been replaced with 'regionally significant infrastructure'.
101. The second comes because of our recommendations in section 1.13 below, where the Panel considers an additional clause on climate change and natural hazards is appropriate as a consequence in the overview wording. This is appropriate to give effect to s7(h) and s7(i) RMA matters and set strategic direction for two important resource management matters in the Plan.
102. The third amendment stems from the recommendation below to introduce policies into SD other than those within the Poutini Ngāi Tahu section and as a result, the following amendments is recommended to the Strategic Directions Overview:

There is no hierarchy between the stated Objectives, i.e., no one Strategic Objective has primacy over another, and the Strategic Objectives should be read as a whole. ~~It should be noted that with the exception of the Poutini Ngāi Tahu strategic directions, these are objectives only. In the case of Poutini Ngāi Tahu, there are also strategic policies that sit across the Plan.~~
103. Finally, the Panel note that because of our recommendation above regarding the removal of the wording which purportedly gave primacy to strategic objectives, we have included that amendment within the recommendation below for consistency.

## **Recommendations**

104. For the reasons outlined above, the Panel recommends that the relevant submission identified in the footnote below is accepted and that changes are made to amend and reorder the Strategic Directions Title Page to list the actual SD headings and their Māori names as follows:

**Strategic Direction – Te Pae Tawhiti**

This section of the plan will outline the significant resource management issues for the three districts. It will set the strategic direction for the plan in relation to:

Climate Change **and Resilience**

Mineral Extraction - **Te Tango Kohuke**

~~Biodiversity and natural heritage management~~ **Natural Environment - Te Taiao**

Natural hazards

**Poutini Ngāi Tahu**

**Land Based Primary Production - Te Whakanao Mātāmua i te Whenua**

Tourism - **Te Tāpoi**

Urban form and development - **Te āhua me te whanaketanga o te tāone**<sup>18</sup>

105. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part and that changes are made to the Strategic Direction Overview as follows:

**Strategic Direction Overview**

**Te Tirohanga Whānui ki ngā Ahunga Rautaki**

This chapter sets out the overarching direction for Te Tai o Poutini Plan as expressed through Strategic Directions. Strategic Objectives and Policies form an important part of the resource consent framework and should be considered alongside the relevant ~~zone or overlay~~ **other**<sup>19</sup> objectives and policies when assessing resource consents.

These directions reflect those factors which are considered to be key to achieving the overall vision for the pattern and integration of land use within the Westland, Grey and Buller Districts.

The Strategic Directions are intended to demonstrate:

1. Commitment to, and articulation of the Councils' partnership with Poutini Ngāi Tahu;
2. Alignment with the communities' aspirations for development while maintaining **and enhancing**<sup>20</sup> environmental quality across the West Coast/Te Tai o Poutini;

<sup>18</sup> Director General of Conservation (S602.023)

<sup>19</sup> Forest and Bird (S560.085)

<sup>20</sup> West Coast Penguin Trust (S275.008) and Suzanne Hills (S5443.007)

3. Integrated management through the grouping of environmental considerations which combine to achieve strategic outcomes; and avoiding strategic objectives becoming isolated within various chapters of Te Tai o Poutini Plan;
4. ~~Fostering~~ **Enabling**<sup>21</sup> the use and development of natural and physical resources whilst protecting the natural, **cultural and heritage**<sup>22</sup> values that have been elevated to matters of national importance by the Resource Management Act 1991 and those matters of national and regional significance by National and Regional Policy Statements;
5. A prosperous, **and sustainable**<sup>23</sup> economy through enabling a wide range of appropriate business activities.
6. Operation and maintenance of ~~critical infrastructure~~ **regionally significant infrastructure**<sup>24</sup>;
7. The management of urban growth integrating existing and future infrastructure, providing sufficient land, or opportunity to meet growth demands for housing and business.
- 8. Resilience to climate change and natural hazards.**<sup>25</sup>

For the purposes of preparing, changing, interpreting, and implementing Te Tai o Poutini Plan, **the relevant objectives and policies of the District Plan (including strategic objectives and policies in this chapter) are to be considered together and no hierarchy exists between them.** ~~all other objectives and policies in all other chapters of this Plan are to be read and achieved in a manner consistent with these Strategic Directions~~<sup>26</sup>

For the avoidance of doubt, for resource consent applications, the Strategic Objectives **and Policies** may require specific consideration and application to proposals, as a relevant consideration under section 104(1)(b)(vi) of the RMA.

There is no hierarchy between the stated Objectives i.e., no one Strategic Objective has primacy over another Strategic Objective and the Strategic Objectives should be read as a whole. ~~It should be noted that with the exception of the Poutini Ngāi Tahu strategic directions, these are objectives only. In the case of Poutini Ngāi Tahu there are also strategic policies that sit across the Plan.~~<sup>27</sup>

Activity and location specific objectives and policies are located in the relevant chapter of Te Tai o Poutini Plan. The planning standards require that 'like' matters are grouped together in a chapter with the relevant objectives.

## 1.12. Agriculture – Te Ahuwhenua

### **Submissions and Further Submissions**

106. Six submission points were received in support of the Agriculture SD (as a whole), while two were received seeking amendments to the Agriculture SD.

<sup>21</sup> Director General (S602.024)

<sup>22</sup> Director General (S602.024)

<sup>23</sup> West Coast Penguin Trust (S275.008)

<sup>24</sup> Consequential plan wide amendment

<sup>25</sup> Consequential amendment from Director General (S602.025)

<sup>26</sup> Forest and Bird (S560.090, S560.086, S560.088, S560.097, S560.102, S560.103, S560.105, S560.435)

<sup>27</sup> Consequential amendment, Clause 16

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107. Five submissions were received in support of the AG-O1 and four submission points were sought amendments to the AG-O1.
108. Seven submission points were received in support of the AG-O2 and four submission points were received seeking amendments to the AG-O2.
109. The Panel adopts the summary of the submission points and further submission points provided in the s42A Report.

### **Section 42A Report**

110. Ms Easton recommended that no changes be made to the AG SD and that submissions seeking amendments be rejected for the following reasons:
  - the application of agrichemicals relates to Regional Council functions (Buller Conservation Group (S552.036) and Frida Inta (S553.036));
  - they shift the focus of AG-O1 away from the productive value of soil (WMS (S599.017), Federated Farmers (S524.028) and HortNZ (S486.008));
  - there is sufficient coverage of sustainable use of soil in AG-O1 (Craig Schwitzer (S96));
  - the focus of the chapter is agriculture (Westpower (S547.048));
  - the enabling nature of AG-O2 appropriately reflects the community aspirations (Forest and Bird (S560.087)); and
  - separating AG-O2 into two objectives is unnecessary (HortNZ (S486.009) and Federated Farmers (S524.028)).

### **Hearing and Submitter Evidence**

111. Ms Inta considered that the RMA directs that district councils do have a function with respect to the application of agrichemicals as directed by s31(1)(b)(e): *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes*, and more generally as directed by s31(1)(a) and (b).
112. Ms Levenson (for HortNZ) stated that that primary objective of HortNZ's submission is to ensure that the NPSHPL is given effect to (to preserve the West Coast's limited highly productive land, specifically areas near Westport, Karamea, Little Wanganui, and in the Grey Valley). To this end, Ms Levenson supports reference to '*highly productive land*' rather than '*versatile soils*' in AG-O1. This amendment was supported in written evidence from the WCRC.
113. Mr Kennedy acknowledged the position of the Reporting Officer to recommend that reference to '*energy activities and infrastructure*' be rejected in AG-O2 provided that suitable provision is made for these activities in other SD.
114. Forest and Bird considered that '*support industries and services*' should not be enabled (in AG-O2) as '*the environmental effects are vague, they should not be enabled carte-blanche*'.

### **Responses and Reporting Officer Reply Evidence**

115. In her Right of Reply (10 November 2023), Ms Easton noted that:

*Economic development strategies on the West Coast have had a longstanding emphasis on supporting mining, tourism and agriculture as the backbone*

*industries for the West Coast economy. ...In all three Districts agriculture is the single largest land use – mainly dairy farming’. Ms Easton went on to confirm that the AG SD were informed by:*

- AG – O1 was pulled over from the Operative Westland District Plan and applied across the Region.
- Ke Whanaketanga Tai Poutini West Coast Strategy – Mission Two
- WCRPS – Resilient and Sustainable Communities Policy 1

### **Evaluation**

116. The Panel agrees with Ms Levenson and WCRC that AG O1 should refer to ‘*Highly Productive Land*’, as is defined in the Panel’s Recommendation Report on the Rural Zones Chapter, rather than versatile soils, noting that this reflects and gives effect to the higher order NPSHPL.
117. In terms of AG O2, the Panel agrees with HortNZ that the term ‘*agriculture*’ is somewhat limiting and that it would be more appropriate to refer to ‘*land based primary production activities*’ to ensure activities such as horticulture are included. For the reasons detailed below, we consider the term ‘*land based primary production*’ more appropriate terminology for this section of SD and have made a number of amendments to reflect this.
118. The Panel has also considered whether AG-O2 should be split in two separate objectives as sought by HortNZ and Federated Farmers. We agree with the submitters that the objective as currently worded appears to be focussed on two different components of the rural (agriculture) sector. We agree with Federated Farmers that the overarching recognition should stand alone as an objective, rather than be included with support industries. We also consider that rural industries are a distinct activity within rural areas. As a consequence, we recommend Objective AG-02 is split into two separate objectives.
119. Finally, because of the Panel recommendation in the Rural chapter to include a definition of Land Based Primary Production in the TTPP in line with the NPS-HPL, which incorporates agriculture alongside pastoral, horticultural and forestry activities, the Panel considers a number of consequential amendments are required to the Agriculture SD to reflect this situation. This includes renaming this section ‘*Land Based Primary Production*’ and revising wording within the section to reflect this, noting that our recommendation on the HortNZ submission above partially achieves this in any event.

### **Recommendation**

120. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footnotes below are accepted or accepted in part and that changes are made to the Agriculture SD as follows:

~~AG – Agriculture – Te Ahuwhenua~~ **LBPP –Land Based Primary Production - Te Whakanao Mātāmua i te Whenua**<sup>28</sup>

This Chapter sets out the overarching direction for matters relating to agriculture **land based primary production**<sup>24</sup> across the West Coast/Te Tai o Poutini.

<sup>28</sup> Consequential amendments as a result of definition on Land Based Primary Production, which includes agriculture, being recommended to be included in the TTPP

Agriculture Land Based Primary Production Strategic Objectives

AGLBPP - O1

To maintain the productive value of ~~versatile soils~~ **highly productive land** and agricultural land<sup>29</sup> for current and future agricultural, **pastoral**<sup>30</sup> and horticultural uses.

AGLBPP - O2

To recognise the significance of agriculture to the West Coast economy, and provide for agricultural **land based primary production**,<sup>31</sup> development and innovation. ~~and~~

LBPP – O3

**Enable support industries and services needed to maintain land based primary productions viability within rural areas.**<sup>32</sup>

~~For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives.~~<sup>33</sup>

**1.13. Connections and Resilience – Ngā Hononga me te Manawa Titi**

121. Based on the submissions received, the Panel has resolved that the issue of connections and resilience extends to consideration of natural hazards and climate change. Therefore, this section considers submissions and evidence relating to requests for SD relating to natural hazards and climate change.

**Submissions and Further Submissions**

122. Two submission points were received seeking amendments to the introduction of the Connections and Resilience SD.
123. Five submission points were received in support of the Connections and Resilience SD (as a whole).
124. Seven submission points were received in support of CR-O1, and one submission point was received seeking amendments to CR-O1.
125. Twelve submission points were received in support of CR-O2, and three submissions points were received seeking amendments to CR-O2.
126. Seven submission points were received in support of CR-O3, and three submission points were received seeking amendments to CR-O3.
127. Nine submission points were received in support of CR-O4, and one submission was received seeking amendments to CR-O4 and one submission sought to delete it entirely.

<sup>29</sup> HortNZ (S486.008)

<sup>30</sup> Consequential amendment resulting from definition of Land Based Primary Production.

<sup>31</sup> HortNZ (S486.009)

<sup>32</sup> Federated Farmers (S524.028) and HortNZ (S486.009)

<sup>33</sup> Forest and Bird (S560.090, S560.086, S560.088, S560.097, S560.102, S560.103, S560.105, S560.435)

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128. Thirteen submission points seeking new CR provisions (which were largely opposed by further submissions).
129. Seventeen submission points and 11 further submission points sought the inclusion of specific natural hazard and / or climate change SD. These include submissions that have been allocated to other SD provisions but are in essence seeking recognition of natural hazards and / or climate change.
130. The Panel adopts the summary of the submissions and further submissions provided in the s42A Report.

### **Section 42A Report**

131. A number of submissions (Director General of Conservation (S602.025 and S602.026), Westpower (S547.049, S547.055, S547.056, S547.057 and S547.058) and Manawa Energy (S438.025 and S438.0256)) sought amendments to how the Chapter refers to 'infrastructure', including seeking reference to 'critical infrastructure', 'regionally significant infrastructure' and 'energy activities and infrastructure', as well as deleting reference to 'infrastructure' to broaden the scope of the Chapter to make it more generic to all development. Ms Easton has generally recommended that all these submissions be rejected, except the submission to amend CR-O1 to include 'critical infrastructure'. Ms Easton noted that the 'Critical Infrastructure' definition includes defence facilities, which are not included in the definition of 'infrastructure', but are critical infrastructure in the face of disaster.
132. Ms Easton recommended that submissions by Poutini Ngāi Tahu (S620.061) and NZTA Waka Kotahi (S450.015) be accepted to amend CR-O2 and CR-O3 respectively, to refer to the locational, functional and operational requirements of infrastructure. Ms Easton considered that the influence of natural hazards and climate change on the location of infrastructure is a relevant consideration.
133. Ms Easton recommended that Forest and Bird's submission (S560.089) seeking the deletion of CR-O4 be rejected. She considered that, given the West Coast's vulnerability to natural hazard events and climate change, the backup and self-sufficiency of critical infrastructure is a key issue.
134. Ms Easton recommended that all submissions seeking new Climate Change provisions be rejected. She considered that the existing provisions provided sufficient coverage of the National Grid and transport infrastructure (Transpower (S299.021), Birchfield (S601.014, S601.024), Rocky Mining (S474.028), Papahaua (S500.017), TiGa (S493.015) and WMS (S599.004)); and that additional objectives 'cherry picking' WCRPS provisions are not necessary or appropriate Westpower (S547.050 and S547.051). Lastly, Ms Easton considered that the submissions by Buller Conservation Group (S552.037) and Frida Inta (S553.037) are best addressed by a suite of climate change SD.
135. Ms Easton considered that EQC submission S612.005 had merit, but natural hazards are best addressed elsewhere in the SD (rather than the Tourism SD). Ms Easton recommended that EQC submission S612.006 be rejected as avoiding high hazard areas on the West Coast is unlikely (this submission was made on the UFD SD).
136. In paragraphs 288 – 298 of the s42A report, Ms Easton acknowledged that the notified CR SD do not provide sufficient coverage of climate change, emissions reductions and natural

hazard adaptation. In response to submissions<sup>34</sup>, Ms Easton recommended that Climate Change SD are included in the pTTPP, as follows:

CC – O1: To enable communities of Te Tai o Poutini/the West Coast to build resilience to and adapt to the effects of climate change.

CC – O2: To support communities to make good decisions around climate change exacerbated hazards and managed retreat to safer areas of lower risk.

CC – O3: To support technologies and activities that enable greenhouse gas emissions reductions and the transition to a low carbon emissions economy, while ensuring their adverse effects are well managed.

### **Hearing and Submitter Evidence**

137. The evidence summaries below refer only to areas of disagreement (i.e. where a submitter disagrees with the recommendation of the Reporting Officer).
138. For Westpower, Mr Kennedy reiterated the concerns around the definitions and use of ‘infrastructure’, ‘critical infrastructure’ and ‘regionally significant infrastructure’ and that, if the definitions were aligned to the WCRPS, then much of the ambiguity would be resolved. Mr Kennedy supported the introduction of three new strategic policies to the CR SD to recognise the locational, functional and operational requirements of energy infrastructure and activities, the need to offset or compensate for adverse effects caused by energy infrastructure and activities and to provide for energy infrastructure and activities in areas of significance. He considered that using policies is an appropriate way to achieve the strategic objectives.
139. For Manawa, Ms Styles raised concerns with the use of ‘critical infrastructure’ in lieu of ‘regionally significant infrastructure’. She considered there is no need to use ‘critical infrastructure’ when ‘regionally significant infrastructure’ is appropriate and aligns with regional and national policy. Concerning CR-O3, Ms Styles also considered that the functional and operational need to locate in particular locations needed to be explicitly provided for, but she did not support the use of ‘ensure’ or ‘hazardscape’ and she agreed that using ‘locational need’ was unnecessary.
140. Ms Whitney, for Transpower, considered that an additional objective specifically recognising the National Grid is appropriate and is supported by the direction of the NPSET and WCRPS.
141. Ms McKenzie, for Birchfield *et al.*, noted that the definition of ‘critical infrastructure’ currently does not include ports (despite the WCRPS including ports as regionally significant infrastructure). She considered that if the definition is not amended to include ports, then CR-O2 should be amended to include ports. Ms McKenzie also considered that a new CR objective is required to recognise the importance of the strategic road network within the region.
142. Ms Frida Inta considered that recognition of the role that intact ecosystems play in supporting resilience is needed through a new objective.

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<sup>34</sup> Inger Perkins (S462.001, S462.002, S462.005, S462.018), Lynley Hargreaves (S481.003), Jane Neale (S262.003, S262.005), Clare Backes (S444.017), Suzanne Hills (S443.002, S443.006, S443.054), Terry Sumner (S269.001), Michael Hill (S70.020), West Coast Penguin Trust (S275.013), Forest and Bird (S560.003), Frida Inta (S4553.037) and Buller Conservation Group (S552.037), Te Tumu Paeroa (S440.005)

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143. Ms Inger Perkins (for WCPT) requested an additional climate change objective, specifically: *To achieve a transition to a low carbon emissions economy aligned with national Emissions Reduction Plans by enabling and supporting emissions reductions through existing activities and new technologies and activities.* She considered that the overall approach to climate change needed to be much stronger.
144. Forest and Bird submitted that a clear SD is needed to respond to the National Emissions Reduction Plan and National Adaptation Plan and recognise the role that nature-based solutions play in climate change response. They noted that threatened and at-risk native species are supported by provisioning inland migration and habitat requirements, as part of any climate response. Specific wording for both issues was proposed.
145. Mr Boyd considered there should be reference to Natural hazards within SD, while Ms Hill considered reference could be made to the National Adaption Plan.

### **Responses and Reporting Officer Reply Evidence**

146. The DOC November letter was provided following the hearing. It provided insight on whether the Panel should have regard to the National Adaptation Plan and DOC's Adaptation Plan, whether there are gaps in the WCRPS in relation to natural hazards and climate change, and what options open to the Panel's if they consider there is conflict between the WCRPS and National Direction or the RMA. The letter concluded that the Panel was required to have regard to the National Adaptation Plan (and Emissions Reduction Plan) pursuant to s74(2)(e) of the RMA (and s5ZI of the Climate Change Response Act 2002); also, that it was the Director General's position that the WCRPS is inconsistent with the RMA; and lastly that recourse to higher order documents is provided for in case law and is open to the Panel if they determine that the WCRPS provides insufficient coverage of natural hazards and climate change and seek guidance from national policy and / or the RMA accordingly.
147. In reply, Ms Easton confirmed that the submissions on the pTTPP provided sufficient scope to include SD for natural hazards and climate change. While she considered both would be useful, in terms of the issue of natural hazards she said this could be addressed through that topic chapter. In terms of climate change, Ms Easton considered that to minimise duplication with the Connections and Resilience SD that climate change provisions be combined with this.
148. Ms Easton also noted that if a specific amendment is needed to address emissions reductions, consequential changes will likely be needed to the Energy, Mineral Extraction, and Transport Chapters (which there is some scope for). Lastly, Ms Easton advised that national and regional planning is in progress to address natural hazards and that there may be merit in waiting to respond to this direction.
149. In her review paper, Ms Easton provided a revised set of SD, '*Climate Change and Resilience*' (replacing '*Connections and Resilience*'), which included two objectives and six policies.

### Responses to Minute 22

150. In their response to Minute 22, WDC advised:
  - *Agree that a climate change consideration should be included within the connections and resilience objectives.*
  - *Agree that Natural Hazards should be included in the strategic direction chapter to provide overarching objectives in regard to managing existing development and the*

*location and appropriateness of new development within areas of known natural hazards.*

- *Disagree that managed retreat should not be a consideration for this updated section. Although managed retreat should sit with Regional Council, it is referred to in various objectives and policies within the plan, including the NH chapter and the FUZ chapter. Therefore, we view it should be acknowledged within the strategic direction chapter to achieve cohesion in provisions and existing plan intentions.*
- *Agree that the inclusion of natural hazards should be informed by the Regional and National level planning instruments, inclusive of the draft NPS-NH.*
- *...*
- *... We would recommend the inclusion of natural hazards within the Strategic Direction chapter to provide a high-level overview which summarises the direction the plan intends to take with its later NH chapter and associated provision.*

151. Mr Boyd considered that *'it would be appropriate to wait for this [the NPS on Natural Hazards] and other information before progressing any Natural Hazard matters, including coastal natural hazards'*. Mr Kennedy for Westpower had similar concerns.

152. Ms Inta concurred with including climate change and natural hazards.

153. Transpower also supported the revised provisions; however, it sought recognition within proposed Policy CCR-P6 of the associated electricity transmission needed to support the development and expansion of renewable electricity generation (**REG**). It also continued to support the provision of a specific National Grid strategic objective, as sought in its submission.

### **Evaluation**

154. The Panel records that some evidence from submitters was outside of the scope of their submission. While we acknowledge the evidence received, we do not consider that there is scope for us to consider such evidence, and we have disregarded the points.

155. The Panel has looked closely at the matters raised through a range of submissions, including those identified as seeking changes to the Strategic Objectives as a whole. In short, we agree with submitters that climate change and natural hazards should form a stronger part of the framework of these provisions, as in many respects, they are at the core of the reason for having such provisions with SD. We also consider some of the objectives are currently framed as policies rather than objectives. We agree that there is a wide range of scope within the submissions to address these particular matters, as noted by Ms Easton in her 10 November reply.

156. The Panel have considered the revised set of provisions (and objective and policy framework) drafted by Ms Easton and we consider overall they better address the broad issue of natural hazards, the factors which influence that and how multiple forms of resilience might be enabled. We also consider that the revised provisions align with the National Adaptation Plan, as sought by the Director General, Forest and Bird and the WCPT, and overall, better reflect the requirements of Part 2 of the RMA. The Panel records it has also considered the Emissions Reduction Plan, and the changes made to that Plan in December 2024.

157. While the Panel acknowledge Mr Boyd's comments about awaiting an NPS on Natural Hazards, such a document has not yet been gazetted, and we consider it necessary at this

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- point to consider Natural Hazards within the context of the current legislative environment and national guidance.
158. Turning to more specific issues, the Panel notes, as already referred to, that references to '*critical infrastructure*' are recommended to be replaced with '*regionally significant infrastructure*' as a result of the Panel's Recommendation Report on the Energy, Infrastructure and Transport Chapters. The Panel considers this change addresses matters raised, in particular by Westpower, Manawa, and Birchfield et al. We also agree that within proposed Policy CCR-P2 it is appropriate for '*functional or operational need*' to be used in the context of RSI.
  159. In terms of proposed Policy CCR-P4, the Panel notes that the WCRC suggest that reference to managed retreat is inconsistent with a statement by the Reporting Officer that this matter is largely dealt with outside the plan, and that this should be clarified. We note that the National Adaptation Plan (2022), which Ms Hill referred us to, refers to passing legislation to support managed retreat as one of its nine critical actions to support councils, communities, businesses and individuals to consider adaptation options available for their area; and acknowledge that a NPS on National Hazards may eventuate at some point.
  160. In addition to the above, the Panel consider the Policy CCR-P4 would give effect to the natural hazard provisions in Chapter 11 of the WCRPS, particularly Policy 4. In our view, elements of issues relating to relocation will inevitably involve aspects of land use planning associated with the districts rather than the region. For that reason, we consider reference to managed retreat in proposed Policy CCR-P4 is appropriate. We also note that WDC supports reference to managed retreat in the policy at the strategic directions level, given that it is referred to elsewhere in the Plan.
  161. Notwithstanding the above, the Panel considers the reference to '*zoning*' in proposed Policy CCR-P4 is inappropriate and recommend deleting that wording.
  162. Regarding proposed Policy CCR-P6, the Panel accepts Transpower's comments regarding the need to recognise the associated electricity transmission with renewable electricity generation and has recommended the inclusion of '*associated infrastructure*' in the policy.
  163. In terms of a specific National Grid strategic objective, the Panel agrees with Ms Easton's conclusions in her s42 Report, that the National Grid is specifically included in the definition of '*Regionally Significant Infrastructure*' which is referred to in the revised provisions and that there is a specific Energy Chapter which a strong focus on supporting this activity. Similarly, in relation the submissions seeking reference to land transport infrastructure, we note that the state highway and special purpose road networks are included within the definition of '*Regionally Significant Infrastructure*'. We therefore agree with Ms Easton that land transport infrastructure is sufficiently cover in the proposed provisions and within the Transport Chapter itself.
  164. Finally, the Panel agrees with Buller Conservation Group and Frida Inta that there is a gap in recognising the role of the natural environment and nature-based solutions in providing resilience to climate change in this particular SD topic. The Panel does not agree it is necessary to refer to ecosystem services and climate stability. The Panel recommends this can be simplified by introducing a new objective as shown below and consider this gives effect to higher order documents including the NZCPS and NPSIB and has regard to the National Adaptation Plan.

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165. The Panel agrees that Westpower's additional provisions, which effectively paraphrase policies from the WCRPS, are unnecessary.
166. Due to the significance of the changes proposed and the fact that they did not all evolve directly from the s42A Report, the Panel has considered the amendments below in terms of section 32AA of the RMA. (We note that Ms Easton has already addressed the issue of climate change within the provisions in this regard.)
167. We consider the change to an objective and policy framework will improve the effectiveness of the plan by aiding plan interpretation and administration. The benefits of the change are improved direction and ease of interpretation, and there are no costs. The risk of not acting is that there would be misalignment of provisions and a lack of clarity. There are no risks from acting. The Panel is satisfied the policies as recommended are the most appropriate way to achieve the objectives.

### **Recommendation**

168. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that relevant submissions identified in the footnotes below are accepted in part and that changes are made to the Connections and Resilience SD as follows:

Note – several of the provisions proposed below incorporate significant elements of the original provisions and those on climate change proposed by Ms Easton, however, for ease of reading the original provisions are with ~~strikethrough~~ and the revised/new provisions are in **bold and underlined**

~~CR – Connections and Resilience – Ngā Hononga me te Manawa Titi~~

~~This Chapter sets out the overarching direction for matters relating to infrastructure connections and resilience across the West Coast/Tai o Poutini.~~

~~Connections and Resilience Strategic Objectives~~

~~CR-O1 To build greater resilience in West Coast/Te Tai o Poutini communities and infrastructure, recognising the effects of climate change and the need to adapt to the changes associated with those effects.~~

~~CR-O2 To enable and protect the continued function and resilience of critical infrastructure and connections and facilitate their quick recovery from adverse events.~~

~~CR-O3 To ensure that new locations for critical infrastructure and connections take account of the hazardscape and are built away from natural hazards.~~

~~CR-O4 To enable the development of greater infrastructure self-sufficiency and backup of critical infrastructure on the West Coast / Te Tai o Poutini.~~

**CCR Climate Change and Resilience – Te Āhuarangi Hurihuri me Te Manawaroa**

**This Chapter sets out the overarching direction for matters relating to climate change and resilience across the West Coast/Te Tai o Poutini.**

### Climate Change and Resilience Strategic Objectives

**CCR – O1 There is resilience to natural hazards and adverse events in the West Coast/Te Tai o Poutini communities and infrastructure, which supports adaptation to the effects of climate change.**

**CCR – O2 Greenhouse gas emissions are reduced and opportunities to transition to a low carbon emission economy are provided, including as a result of new technology.**

### Climate Change and Resilience Strategic Policies

**CCR - P1 Enable the continued functioning of regionally significant infrastructure and connections and facilitate their quick recovery from the adverse effects of natural hazard events, which may include relocation.**

**CCR – P2 Ensure that new locations for regionally significant infrastructure and connections are built away from natural hazards, unless there is a functional need or operational need to be in that location.**

**CCR – P3 Enable the development of greater infrastructure self-sufficiency and backup of regionally significant infrastructure on the West Coast/Te Tai o Poutini.**

**CCR – P4 Support communities to make good decisions around climate change exacerbated hazards by identifying and providing for relocation to safer locations.**

**CCR – P5 Support, at a local level, reduction in emissions of greenhouse gases, including through providing for low carbon transport options such as walking, cycling and electric vehicles.**

**CCR – P6 Provide for the development and expansion of renewable electricity generation and associated infrastructure at a range of scales across Te Tai o Poutini/the West Coast, to support emissions reductions and a low carbon future.<sup>35</sup>**

**CCR – P7 Recognise the role of the natural environment and nature-based solutions in resilience to climate change.<sup>36</sup>**

For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives.<sup>37</sup>

## **1.14. Mineral Extraction – Te Tango Kohuke**

### **Submissions and Further Submissions**

<sup>35</sup> Manawa (S438.025 & S438.026), Westpower (S547.055, S547.056, S547.057 & S547.058), Ngāi Tahu (S620.061), Waka Kotahi (S450.015), Director General of Conservation (S602.026), West Coast Penguin Trust (S275.013), Inger Perkins (S462.001, S462.002, S462.005, S462.018), Lynley Hargreaves (S481.003), Jane Neale (S262.003, S262.005), Clare Backes (S444.017), Suzanne Hills (S443.002, S443.006, S443.014, S443.054), Terry Sumner (S269.001), Michael Hill (S70.020), Forest and Bird (S560.003), Te Tumu Paeroa (S440.005) and Development West Coast (S484.004)

<sup>36</sup> Frida Inta (S553.037) and Buller Conservation Group (S552.037)

<sup>37</sup> Forest and Bird (S560.090, S560.086, S560.088, S560.097, S560.102, S560.103, S560.105, S560.435)

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169. Eleven submission points and one further submission point were received in support of the Mineral Extraction SD (as a whole). One further submission point was received in opposition.
170. Twelve submission points were received in support of the MIN-O1, two in opposition (including one seeking deletion), and one submission point sought an amendment to the Objective. Six further submissions were received.
171. Fourteen submission points were received in support of MIN-O2, two in opposition (including one seeking deletion), and two submission points were received seeking amendments to the Objective. Seven further submission points were received.
172. Twelve submission points were received in support of the MIN-O3, and four were received seeking amendments.
173. Four submission points were received in support of MIN-O4, two in opposition, and 10 sought amendments. Nine further submission points were received.
174. Five submission points were received in support of the MIN-O5.
175. Eleven submission points were received in support of the MIN-O6, two in opposition, and 16 sought amendments. Five further submission points were received.
176. Two submission points were received seeking new MIN objectives. One submission point sought the deletion of any reference to further coal extraction.
177. The Panel adopts the summary of the submissions and further submissions provided in the s42A Report.

### **Section 42A Report**

178. In relation to MIN-O1, Ms Easton considered that the purpose of the Objective is appropriate (noting the submissions in support and the community in general for the mining sector), but that an amendment to specify that effects should be avoided, remedied or mitigated was appropriate (Te Mana Ora (S190.011)). Ms Easton considered it appropriate that the Objective makes reference to minimising consenting complexity and recommended that Suzanne Hills' submission (S443.009) be rejected.
179. Ms Easton recommended that the amendment to MIN-O2 suggested by the Director General (S602.027) to acknowledge the need to manage effects be accepted. She considered that this amendment would also address other submissions (NZTA Waka Kotahi (S450.018), Suzanne Hills (S443.010) and Forest and Bird (S560.092)). Ms Easton acknowledged that the substantive decision on the appropriateness of combining the Buller Coalfield Zone (**BCZ**) and Mineral Extraction Zone (**MINZ**) is considered as part of the Mineral Extraction Chapter, but that any consequential changes can be made to the MIN SD should a change occur.
180. Ms Easton recommended that submissions on MIN-O3 seeking recognition of the social and economic benefits of mining (Forest and Bird (S560.093)) and the effects management hierarchy (Karen Lippiatt (S439.005), Terra Firma Mining Limited (S537.005), Forest and Bird (S560.093)) be accepted. She did not support amendments seeking to avoid competing land uses (Aggregate and Quarry Association (S521.016)), to acknowledge unique geology and indigenous biodiversity (Karen Lippiatt (S439.005)) or to require public notification (Karen Lippiatt (S439.005)).

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181. With respect to MIN-O4, Ms Easton did not consider that amendments were needed and recommended that all the submissions be rejected (Celine Stokowski and Anthony Thrupp (S522.001), Clare Backes (S444.016), WMS Group (S599.024), TiGa (S493.020), Birchfield (S601.019), BRM (S603.016), Birchfield (S604.016), Phoenix (S606.016), Whyte Gold (S607.016), Terra Firma (S537.006), Forest and Bird (S560.094) and Waka Kotahi (S450.020)). Specifically, Ms Easton considered that references to *'reverse sensitivity'* and *'existing'* should be retained.
182. In recognition of the five supporting submissions (and none opposing), Ms Easton recommended that MIN-O5 be retained as notified.
183. Submissions on MIN-O6 are, are related to the effects of management hierarchy and, more specifically, the role of offsetting and compensation. Ms Easton recommended that amendments to the Objective are appropriate to acknowledge critical infrastructure (Waka Kotahi (S450.021)); correctly reference significant habitats and cultural values (Poutini Ngāi Tahu (S620.063)); and the use of the offsetting and compensation to address residual effects (Bathurst (S491.008), Buller Conservation Group (S552.039), Frida Inta (S552.039), Te Mana Ora (S190.016), Director General (S602.028), Karen Lippiatt (S439.004) and WCPT (S275.010)).
184. Ms Easton considered that submissions seeking additional new objectives or clarification are not warranted as the proposed package of SD sufficiently covers the issues relating to Mineral Extraction. She therefore recommended that these submissions be rejected (Suzanne Hills (S443.005), Terra Firma (S537.008), Straterra (S536.002) and Inger Perkins (S462.024)).

### **Hearing and Submitter Evidence**

185. The evidence summaries below refer only to areas of disagreement (i.e. where a submitter disagrees with the recommendation of the Reporting Officer).
186. Ms Booker (for Birchfield *et. al.*) provided legal submissions covering a range of matters including the relevance of the NBEA (now repealed); the direction provided by the NPS; the relevant RMA statutory tests for a district plan change; the hierarchy of planning documents (noting that the pTTPP must give effect to the NZCPS, NPSFM, NPSIB and the WCRPS); managing conflicting objectives and policies (with reference to *Port Otago Ltd v Environmental Defence Society Incorporated [2023] NZSC 112*); the consistency of the pTTPP with the WCRPS (which has given effect to the NZCPS, and to a limited extent that of the NPSFM, but has not given effect to the NPSIB); the consenting pathway for mineral and aggregate extraction activities through the NPSIB and NPSFM (with reference to the EMH); appropriate use of the EMH (for significant effects on indigenous biodiversity); and lastly, the need for planning documents to be clear and concise and avoid repetition. In response to questions Ms Booker agreed that if there was a conflict with the more specific provisions reference should be made to SD.
187. The various mining operators reiterated the employment opportunities available through mining throughout the districts and their involvement in supporting the community. They emphasised the uncertainties encounter in the RMA process and noted that modern mining recognises its role and responsibilities.
188. Ms McKenzie (for Birchfield *et. al.*) emphasised the importance of mining to the West Coast and considered that MIN-O1, MIN-O2, MIN-O3 and MIN-O6 should be retained as notified. She considered that the additional references to *'managing effects'* and the EMH in MIN-O1,

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- MIN-O2 and MIN-O3 would duplicate what is already set out in MIN-O6. Further, she noted that it is incorrect to reference the EMH (in MIN-O3 and MIN-O6) where all types of effects are to be considered because, under the NPSIB and NPSFW, the EMH is limited to residual effects that are more than minor.
189. Ms Vidal for Straterra said it was important to have a consenting pathway for mining and noted that the boom in mining was partly driven by Greentech industries. She also pointed to the innovative rehabilitation of mining sites that can occur, giving the Globe example at Reefton. Similarly, Mr Maitland said it was important to have an overarching framework for mineral extraction.
190. Ms Katherine Crick commented on the MIN SD and opposed the MINZ at Barrytown. She did not want the MIN SD to be overarching. This is considered as part of the Mineral Extraction recommendation report.
191. Ms Snoyink, for Forest and Bird, noted that the organisation was not opposed to the inclusion of a strategic direction for this activity, but that any SD should be consistent with national policy and should avoid being worded as policy. She noted Forest and Bird disagree with the Reporting Officer that MIN-O1, MIN-O2 and MIN-O6 should be retained (even as amended). She highlighted the amendment sought to MIN-O3 was to '*appropriately avoid, remedy or mitigate*' effects, not to refer the EMH because this has limited application. Ms Snoyink advised Forest and Bird opposed reference to mineral extraction 'in a range of locations' on the basis that this reduces plan certainty. Lastly, she noted that Forest and Bird consider MIN-O4 should refer to '*lawfully established*' (rather than '*existing*'), as this terminology is consistent with other parts of the pTTPP and the definition of 'reverse sensitivity'.
192. In response to questions Ms Snoyink considered a number of the objectives were actually policies.
193. Ms Smith (for Terra Firma) generally opposed the changes recommended by the Reporting Officer to the MIN SD. Ms Smith considered there was no need for MIN-O1 or MIN-O2 to refer to '*effects management*'; that MIN-O3 should refer only to '*effects management*'; a new SD objective should be included to refer to social and economic benefits; and that MIN-O6 should be retained as notified.
194. Ms Inta considered that MIN-O1 and MIN-O6 should be amended to refer to the EMH and that MIN-O2 should be deleted. With respect to MIN-O6, she considered that all values should be protected (not just those that are significant) and that some context is required to offsetting and compensation.
195. Mr Leckie presented legal submissions on behalf of Bathurst. In respect of the MIN-O6, he noted that providing for offsetting and compensation (as well as avoiding, remedying or mitigating) gives effect to the WCRPS and ensures consistency with s104(1)(ab) of the RMA.
196. Ms Hill disagreed that that mineral extraction should be a SD. She considered it provided a strong bias towards such activity and noted there was no reference to cumulative effects. She questioned the meaning of wording within the MIN provisions. Ms Lippiatt provided similar comments.
197. Mr Milne from Development West Coast emphasised the importance of mineral extraction to the West Coast. In supporting this he said that the West Coast economy was different to

the rest of New Zealand, noting that 611 people were employed in the mining sector with an average salary of \$77,000.

198. Ms Hunter (for Bathurst) considered that MIN-O6(a) should be amended to include ‘*offset or compensate*’ (after ‘*avoid, remedy, mitigate*’) as mineral extraction activities should ‘*have access to the full gamut of environmental effects management methods, including the use of environmental offsets and/or compensation. This is consistent with section 104(1)(ab), which sets out the matters a consent authority must have regard to when considering a resource consent application*’.<sup>38</sup> Ms Hunter advised that this is a more appropriate response than reference to the EMH, which is only applicable in certain circumstances (as prescribed by the NPSFM and NPSIB). Furthermore, she advised that there is no pTTPP definition for EMH and it is therefore unclear what it means in a pTTPP context. She went onto say that ‘*given that there is no accompanying definition or use of the term within the remainder of the notified TTPP (as far as I am aware), I do not think it is appropriate to refer to an "effects management hierarchy" if this has not been suitably defined in the context of the TTPP*’.<sup>39</sup>

199. Ms Hunter recommended that MIN-O6 be amended as follows:

- a. *To the extent that is practicable, avoid, remedy or mitigate adverse effects of mineral extraction activities on the West Coast/ Te Tai o Poutini's significant natural and cultural features...*
- b. *Where it is not practicable due to the functional or operational needs of the mineral extraction activity to avoid, remedy or mitigate all adverse effects, ensure such effects can be offset or compensated for.*

~~*Allow adverse effects to be addressed by alternative mitigation measures such as biodiversity offsetting and environmental compensation.*~~

### **Responses and Reporting Officer Reply Evidence**

200. In her initial right of reply (10 November 2023), Ms Easton, in response to the Panel’s question as to why Mineral Extraction had been elevated so significantly in the strategic direction, noted the significance of mining to the West Coast, particularly the Buller District where it is the single largest economic contributor. She also noted that large mine developments have long lead times to establish before mining can even commence. She said that gold and coal mining, alongside aggregate and hard rock quarrying, represent the “baseline” of activity by the mineral extraction industry and that economic development strategies for the district expect the new hard rock, gold and mineral sands mines to significantly increase the size of the economy and range of jobs available in the districts.

201. Ms Easton also advised that the MIN SD arose from consideration of the following:

- *WCRPS – Use and Development of Resources Objective 1, Policy 1, Policy 2*
- *WCRPS – Resilient and Sustainable Communities Objective 2, Policy 2*
- *WCRPS – Ecosystems and Biodiversity Policy 3*
- *Ke Whanaketanga Tai Poutini West Coast Strategy Mission 2*
- *Minerals and Petroleum Resource Strategy*
- *West Coast Economic Development Action Plan 2017 – Key Action Streamline the mining consent process – single window processing initiative*

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<sup>38</sup> Evidence of Ms Clare Hunter, paragraph 35

<sup>39</sup> Evidence of Ms Clare Hunter, paragraph 39

- *WCRPS – Poutini Ngāi Tahu – Objective 2, Policy 2*

202. Ms Easton considered that there was broad scope to change the mineral extraction strategic objectives provided by the relief sought by submitters, outlining a number of these in the reply. She noted that there were submissions seeking the deletion of several of the mineral extraction strategic objectives, which provided scope for amendments that range from deletion of these objectives to amendments to the text that fit on the continuum between deletion and the text as notified.
203. The Bathurst November supplementary submissions from Mr Leckie, in response to questions from the Panel, provided additional information setting out the higher order policy support for (1) a consenting pathway for mineral extraction in the pTTPP and (2) recognition of the functional and operational needs for mineral extraction. Bathurst consider that mineral extraction is provided for by the RMA (as it supports the wellbeing of the West Coast people and communities); the WCRPS (which enables mining, its effects and its functional needs, and the need to protect it from reverse sensitivity); and the NPSIB and NPSFM (which recognise the functional needs of mining). It submitted that if the TTPP departs from the objective and policy framework of the WCRPS that directs the recognition of the importance of mineral extraction to the West Coast, the TTPP will not give effect to the WCRPS.
204. The supplementary submissions stated Bathurst’s relief and also sought clarification that the full EMH is available to manage the potential adverse effects of mining on biodiversity (consistent with the approach applied in the NPS-IB). However, the Panel note this appears to be different from the view expressed by Ms Hunter, who did not think it was appropriate to refer to an EMH, as this had not been suitably defined in the context of the TTPP.
205. In addressing the Panels question as to whether some of the Mineral Extraction strategic objectives would be more appropriate as strategic policies, Mr Leckie agreed with that observation; and as part of their supplementary submission Bathurst provided a redrafting of the Mineral Extraction strategic objectives. This consisted of an overall Objective which recognises the important role mineral extraction has for the economic, social and cultural wellbeing of the West Coast, and reframed the notified version of the remaining Objectives as policies directing the actions that are necessary to achieve and implement the Objective

Responses to Minute 22

206. Bathurst indicated that they continued to support the inclusion of Strategic Objective MIN-O1 as redrafted in the Bathurst November supplementary submissions, which they said provided an enabling overall objective that recognises the critically important role of minerals to the West Coast.
207. Terra Firma considered MIN-O1 necessary to provide the appropriate recognition and considered the mineral extraction provisions should remain in a separate Strategic Direction. They supported the original wording of MIN-O1 but were happy with the amendments suggested in the Bathurst November supplementary submissions.

Evaluation

208. As a result of recommendations to retain the Mineral Extraction Chapter and associated zoning, the Panel accepts that Mineral Extraction SD should be retained, and we agree it would provide an overarching framework. We also accept the economic evidence on the

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importance of mineral extraction to the region and particularly the Buller District and acknowledge the requirement to give effect to the WCRPS.

209. The Panel has considered the issues raised in submissions, including those supporting the provisions. As we signalled at the hearing, and as acknowledged by Mr Leckie for Bathurst, we also consider some of the objectives of the Mineral Extraction SD are framed as policies rather than objectives. We accept Ms Easton's analysis in her 10 November reply that there is a broad scope within the submissions for change in the mineral extraction strategic objectives.
210. The Panel has considered the revised sets of provisions drafted by both Ms Easton and Bathurst. In general terms, the Panel agree that an objective and policy framework is better suited to the Mineral Extraction provisions and that there is no need for further provisions. We have addressed these in turn below.
211. In terms of MIN-O1, the Panel considers it is appropriate acknowledge the mineral resources of the West Coast and signal their use and development. However, we also agree with Te Mana Ora, as also acknowledged by Ms Easton, that addressing adverse effects on the environment are not well captured in the strategic objectives for mineral extraction overall. In our view, both these aspects need to be captured at the objective level to give effect to Part 2 of the RMA; and therefore, we do not accept the revised Bathurst version, which has only one objective, which is solely focused on the provision for the use and development of, and importance of, mineral resources.
212. The Panel has considered Ms Easton's recommended change to MIN-O1 which combines the provision for the use and development of mineral resources with avoiding duplication of regulation and avoiding, remedying or mitigating adverse effects. The Panel's view is that this general approach (aside from the issue of duplication of regulation, which is discussed below) is more balanced and, apart from not recognising the important role that mineral extraction plays, which we consider is a policy matter, addresses the key issues and reflects the way other objectives, notably TRM-O1 regarding Tourism, have been drafted. We consider using the term 'environment', which is defined in the RMA, rather than 'natural environment and local communities' is more encompassing and points to all aspects of the environment.
213. The Panel has also considered whether two separate objectives might be more appropriate, however, we do not think there are any major gains in clarity or effectiveness in doing so.
214. Like Forest and Bird, Te Mana Ora and Ms Hill, the Panel is unclear as to the necessity of referring to 'avoiding duplication of regulation across agencies' as this could apply to multiple sections of the plan rather than just Mineral Extraction. We note that Bathurst has not pursued that wording within their revised version of the provisions. In our opinion, this is not a matter that needs to be addressed within the framework of SD unless there is a specific issue that has been identified. We also note that the Mineral Extraction Chapter has a policy addressing the coordination of consents, and we consider that it is appropriate in that context. The Panel is alert to avoiding duplication and recognising the different district and regional council functions, while seeking integration.
215. Overall, the Panel disagrees that MIN-O1 should be deleted, as sought by some submitters. However, we accept that it needs to be amended for the reasons given above. We therefore recommend that MIN-O1 is revised as follows:

~~To ensure provision for t~~**The use and development of the West Coast/Te Tai o Poutini's mineral resources while also avoiding duplication of regulation across agencies. managing adverse effects on the environment.**

216. In line with the Panel's recommendation below, MIN-O1 becomes the sole objective under the Mineral Extraction SD. Therefore, while we acknowledge the concerns expressed by Ms Hunter and Ms McKenzie regarding Ms Easton's revised MIN-O1 and its duplication with MIN-O6, we consider the context in which their conclusions were reached is now different.
217. The Panel recommends that MIN-O2 – MIN-O6 should be revised as policies with similar wording to the notified wording of the objectives.
218. The Panel acknowledge the submissions on MIN-O2 from the Director General and NZTA Waka Kotahi and Ms Easton's recommended amendment to introduce the management of adverse effects, which was supported by Ms Young. However, we agree with Ms Hunter and Ms McKenzie that the management of the effects arising from the activities of mineral extraction is adequately addressed through other mineral extraction SD provisions, notably MIN-O6. The Panel considers there is no need to replicate these in enabling provisions, given all provisions must be considered together (alongside all the other strategic direction objectives in the TTPP).
219. The Panel disagrees with Forest and Bird that the objective (now to be policy) should be deleted. While we acknowledge the expressed concern about enabling extraction within zones that have significant natural values without any consideration of overlays or other significant values, we agree with Ms Easton that the District-Wide Chapters will still apply, particularly in relation to overlays and significant natural areas.
220. The Panel does however consider there is a distinction to be made within this objective (now to be policy) between the provision for mineral extraction by way of special purpose zones and providing for it in more generic zone. In the case of the former the provision of a specific zone can be seen as enabling of mineral extraction, whereas in the latter it is more of a case of providing for some extraction where this is deemed to be acceptable. In our view this provision should be setting the framework for having mineral extraction zones and providing a framework for some extraction in the other zones where this is deemed to be acceptable i.e. to be determined by more detailed policies and rules in the specific zones themselves. The Panel does not consider mineral extraction should simply be enabled across the Rural and Open Spaces Zones. We consider there is scope provided by the Forest and Bird submission to amend this provision to reflect our concerns.
221. The Panel recommends that MIN-O2 be changed to MIN-P1 and that the policy wording be amended as follows:

~~To e~~**Enable mineral extraction and ancillary activities which support it, including specifically through a within the Buller Coalfield Zone, and Mineral Extraction Zone, and provide for these activities in appropriate locations within the Rural Zones and Open Space Zones.**

222. In relation to MIN-O3, the Panel agrees with Ms Easton's response to the Aggregate and Quarry Association that the strategic objectives in their entirety already provide strong direction, recognising the economic value of mineral extraction, including aggregate resources. We also agree that it is inappropriate to amend the substantive direction and focus of the MIN-O3 to be about supporting unique geology and indigenous biodiversity as sought by Ms Lippiatt.

223. Ms Easton considered there was merit in referring to the provision of economic and social benefits provided adverse effects can be appropriately managed in accordance with the effects management hierarchy as sought by Terra Firma, Ms Lippiatt and Forest and Bird. Ms McKenzie again considered amendments to address effects in this objective was inappropriate and unnecessary because the requirement to manage adverse effects was already provided in MIN-O6. She also considered the addition of the effects management hierarchy term inappropriate in the context of this objective.
224. The Panel agrees in part with the amendments proposed by Ms Easton to MIN-O3, as we consider the nature of this provision is somewhat different in context to MIN-P1, in recognising the fixed nature of the mineral resource outside of specified zones. We also note that MIN-O3 already contains reference to managing adverse effects which Ms McKenzie's clients supported, therefore the scope to remove it based on other submissions is limited. Where we agree with Ms McKenzie, is in terms of the reference to the effects management hierarchy, which we discuss in more detail in relation to MIN-O6 below. We also consider the reference to economic and social benefits, as sought by Forest and Bird, is appropriate in the context of this provision.
225. The Panel recommends that MIN-O3 be changed to MIN-P2, and that the policy wording be amended as follows:

~~Te r~~ *Recognise that mineral resources are widespread ~~and~~ **but** fixed in location throughout the West Coast/Te Tai o Poutini and that **extraction of them in a range of locations outside specified zones may be appropriate and provide economic and social benefits to the region and nationally**, provided adverse effects **can be appropriately** are managed ~~mineral extraction activities can be appropriate in a range of locations outside specified zones and precincts.~~*

226. MIN-O4 is a reverse sensitivity provision, and the Panel agrees that such a provision is appropriate in the context of mineral extraction, where the impact on existing sensitive activities can be adverse, in particularly close proximity. The Panel does not agree that such a provision should be deleted, nor does it accept that by addressing reverse sensitivity, the TTPP is in some way prioritising mineral extraction. Indeed, issues of reverse sensitivity are generally associated with sensitive activities locating in proximity to established activities which are generating effects.
227. The Panel does not agree with the removal of the 'existing' sought by the mining industry and agrees with Ms Easton that where new mines are proposed, they should be assessed against the effects that they will have on the community and environment at the time of the application. However, the Panel does consider the words 'lawfully established' are necessary in this instance and we note that Ms Easton conceded this in response to questions at the hearing. We also note that a definition of 'lawfully established' is addressed in the Mineral Extraction Recommendation Report.
228. The Panel recommends that MIN-O4 be changed to MIN-P3, and that the policy wording be amended as follows:

~~Te e~~ *Ensure that new subdivision, use and development does not compromise existing **lawfully established** mineral extraction activities, including through reverse sensitivity ~~to~~ effects, such as dust, noise and traffic generation.*

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229. In terms of MIN-O5, there are no submissions in opposition, so the only amendment is a consequential one relabel MIN-O5 as MIN-P4 and delete the word 'To' at the beginning, as shown in the recommendation box below.
230. MIN-O6 is the provision primarily addressing adverse effects and there were a variety of submissions ranging from seeking its retention to its removal, thus providing a wide range of scope. In a broad sense, the Panel considers this provision is important in the context of the Mineral Extraction SD to give effect to Part 2 of the RMA and we recommend it is retained to the extent that it addresses adverse effects.
231. Several submissions were concerned with the biodiversity offsetting and environmental compensation components of the objective and sought its deletion or amendment, including introducing reference to the EMH. In contrast, Bathurst sought that offsetting and compensation be included as part of an acceptable response to managing adverse effects in clause (a). As a result of submissions Ms Easton recommended that the EMH be introduced into clause (a) of the objective and that clause (b) refer to the mitigation hierarchy to allow residual adverse effects to be addressed by alternative mitigation measures such as offsetting and compensation. However, the Panel notes this later change removed the specific references to biodiversity offsetting and environmental compensation.
232. Having considered the key issues around the use of the EMH, the Panel agrees with Ms Hunter and Ms McKenzie that its use in national level documents specifically relates to indigenous biodiversity and freshwater to address ecological effects and that the process of assessment under the EMH requires a sequence of steps beginning with avoid. We therefore have concerns about transferring application of the EMH in the specific context of ecological effects and using it in relation to all effects such as noise or traffic amongst others. In our view, no national direction directly supports this approach outside of the matters covered in the NPSFM and NPSIB.
233. The Panel notes the WCRPS specifically excludes the consideration of offsets and compensation in relation to effects on indigenous biodiversity from RSI (Chapter 6, Policy 5) and prescribes the offsetting and compensation steps in Chapter 7, Policies 2-5. However, the Panel is mindful that the WCRPS provisions do not give effect to the NPSFM or the NPSIB.
234. Based on the above, the Panel recommend that the EMH is not included explicitly in MIN-O6 (to be MIN-P5) given that the provision would apply to a range of matters and is not in any way limited to indigenous biodiversity or freshwater values. That is not to say, however, that the EMH may not be utilise in situations where ecological effects are relevant when considering assessments in terms of the NPSFM and NPSIB.
235. For reasons that will become apparent the Panel has not adopted Ms Easton's minor wording amendments to the sub-clauses under clause (a) or Ms Hunter's or the Director General's revised versions of clause (b). We do however note that we have given consideration to the appropriate use of the terms '*functional need or operational need*' in light of the higher order statutory direction. We consider '*operational needs*' should only be used where this is consistent with the national direction given this is a much lower threshold. This is addressed in more detail in other recommendations.
236. Having considered the various submissions on MIN-O6, the Panel considers the sub-clauses under clause a. are unnecessary and simply complicate the provision. There is an inherent danger with such provisions that the matters identified under 'including' become the only matters considered and, in this situation and given the issue, we consider it would be more

appropriate to simply refer to addressing the adverse effects of mineral extraction activities on the environment. In our view this enables all effects to be considered. The Panel also consider clause b. is unnecessary noting that s104(1)(ab) of the RMA is available, as noted by Ms Hunter, as is the EMH in certain circumstances. We therefore do not consider it is necessary to specifically refer to these mechanisms.

237. Finally, we agree that a reference to public notification as sought by Ms Inta and Buller Conservation Group is inappropriate within a strategic objective (or policy).
238. The Panel recommends that MIN-O6 be relabelled as MIN-P5 and that the policy wording be amended as follows:

~~To:~~

- ~~a. Avoid, remedy or mitigate the adverse effects of mineral extraction activities on the West Coast/Te Tai o Poutini's **environment**, significant natural and cultural features, sites and heritage, and amenity values, including:~~
- ~~i. Poutini Ngāi Tahu cultural resources and taonga including sites and areas of significant to Māori identified in Schedule Three;~~
  - ~~ii. Areas of significant indigenous vegetation, indigenous fauna habitat and protected native fauna;~~
  - ~~iii. Outstanding natural landscapes and features;~~
  - ~~iv. Waterways and waterbodies; and~~
  - ~~v. The coastal environment;~~
  - ~~vi. The wellbeing of people and communities; and~~
- ~~b. Allow to allow adverse effects to be addressed by alternative mitigation measures such as offsetting and compensation.~~

### **Recommendation**

239. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that relevant submissions identified in the footnotes below are accepted in part and that changes are made to the Mineral Extraction SD as follows:

Mineral Extraction – Te Tango Kohuke	
This Chapter sets out the overarching direction for matters relating to mineral extraction across the West Coast/Te Tai o Poutini.	
Mineral Extraction Strategic Objectives	
MIN-O1	<del>To ensure provision for t-</del> The use and development of the West Coast/Te Tai o Poutini's mineral resources while also avoiding duplication of regulation across agencies. <b>managing adverse effects on the environment.</b> <sup>40</sup>
<b><u>Mineral Extraction Strategic Policies</u></b>	

<sup>40</sup> Te Mana Ora (S190.011), Forest and Bird (S560.091)

~~MIN-02~~**P1** ~~To e~~ Enable mineral extraction and ancillary activities which support it, including specifically **through a** within the Buller Coalfield Zone, **and** Mineral Extraction Zone, and **provide for these activities in appropriate locations within the** Rural Zones and Open Space Zones.<sup>41</sup>

~~MIN-03~~**P2** ~~To r~~ Recognise that mineral resources are widespread ~~and~~ **but** fixed in location throughout the West Coast/Te Tai o Poutini and that **extraction of them in a range of locations outside specified zones may be appropriate and provide economic and social benefits to the region and nationally**, provided adverse effects **can be appropriately** ~~are managed~~ mineral extraction activities ~~can be appropriate in a range of locations outside specified zones and precincts.~~<sup>42</sup>

~~MIN-04~~**P3** ~~To e~~ Ensure that new subdivision, use and development does not compromise existing **lawfully established**<sup>43</sup> mineral extraction activities, including through reverse sensitivity ~~to~~ effects, such as dust, noise and traffic generation.

~~MIN-05~~**P4** ~~To s~~ Support Poutini Ngāi Tahu to manage their pounamu and aotea stone resources through the use of Pounamu and Aotea Management Area Overlays.

~~MIN-06~~**P5** ~~To:~~

~~a. ———~~ Avoid, remedy or mitigate the adverse effects of mineral extraction activities on the West Coast/Te Tai o Poutini's **environment**.<sup>44</sup> ~~significant natural and cultural features, sites and heritage, and amenity values, including:~~

~~i. — Poutini Ngāi Tahu, cultural resources and taonga including sites and areas of significant to Māori identified in Schedule Three;~~

~~——— ii. Areas of significant indigenous vegetation, significant indigenous fauna habitat and protected native fauna;~~

~~——— iii. Outstanding natural landscapes and features;~~

~~——— iv. Waterways and waterbodies; and~~

~~——— v. The coastal environment;~~

~~——— vi. The wellbeing of people and communities; and~~

~~b. ———~~ Allow to allow adverse effects to be addressed by alternative mitigation measures such as offsetting and compensation.

~~For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives.~~<sup>45</sup>

## 1.15. Natural Environment – Te Taiao

### Submissions and Further Submissions

<sup>41</sup> Forest and Bird (S560.092)

<sup>42</sup> Forest and Bird (S560.093)

<sup>43</sup> Forest and Bird (S560.094)

<sup>44</sup> Forest and Bird (S560.096), Brian Anderson (S576.016), Katherine Crick (S101.016), Trevor Hayes (S377.008), Karen Lippiatt (S439.006) & (S439.004), West Coast Penguin Trust (S275.010), Celine Stokowski and Anthony Thrupp (S522.003)

<sup>45</sup> Forest and Bird (S560.090, S560.086, S560.088, S560.097, S560.102, S560.103, S560.105, S560.435)

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240. Two submission points were received in support of the Natural Environment SD (as a whole).
241. Five submission points were received in support of the NENV-O1, and 10 submission points were received seeking amendments to the NENV-O1. Twelve further submission points were received.
242. Three submission points were received in support of the NENV-O2, and four submission points were received seeking amendments to the NENV-O2. One further submission point was received.
243. Seven submission points were received in support of the NENV-O3, one submission point sought the objective be deleted, and 18 submission points sought amendments to the NENV-O3. Eleven further submission points were received on this objective.
244. Four submission points were received in support of the NENV-O4, while 14 sought amendments to the NENV-O4. Ten further submission points were received on this objective.
245. One submission point sought further recognition of Outstanding Natural Landscapes (**ONL**) and Significant Natural Areas (**SNA**) in the NENV SD.
246. The Panel adopts the summary of the submissions and further submissions provided in the s42A Report.

### **Section 42A Report**

247. Ms Easton considered that the NENV-O1 should be amended to reflect s6 of the RMA (Manawa (S438.028)), but not to the extent sort by other submitters, which sought to 'parrot' the Act (New Zealand Agricultural Aviation Association (S166.003), HortNZ (S486.010) and Federated Farmers (S524.030)). Ms Easton also considered reference to 'enhancing' natural environment values was appropriate (Director General (S602.029)). However, she did not support amendments to the objectives that would remove reference to 'cultural and spiritual values' (Frida Inta (S553.040) and Buller Conservation Group (S552.040)); replace 'protection' of natural environment values with 'management' (Westpower (S547.059)); or providing more detail of the specific areas to be protected (Silver Fern Farms (S441.009)).
248. In relation to NENV-O2, Ms Easton agreed that deletion of 'areas and features' was appropriate (Forest and Bird (S560.099)) and that the 'connection' of Poutini Ngāi Tahu to the environment should also be recognised (Poutini Ngāi Tahu (S620.065)). However, Ms Easton disagreed that the objective should be deleted (Frida Inta (S553.040) and Buller Conservation Group (S552.040)) because it was consistent with Te Tiriti o Waitangi.
249. Forest and Bird (S560.100) sought that NENV-O3 be deleted. Ms Easton did not consider this to be an appropriate outcome; more specifically, she considered that '*...while not all types of landscapes, features and ecosystems are contained within the PCL, it shapes the natural environment context on the West Coast. PCL has many natural and cultural values as well as being important for tourism, recreation and the identify of being a West Coaster. It also provides some of the core habitats for mobile species such as birds that extend their range out into private land and more inhabited areas. This strategic objective also provides important direction for the Open Space Zones...*'. [PCL – Public Conservation Land]
250. The submissions relating to specific development and activities (in NENV-O3) sought removal of infrastructure (Buller Conservation Group (S552.041) and Frida Inta (S553.041));

qualifications for the provision of infrastructure (Director General (S602.030)); recognition of lawfully established activities (Federated Farmers (S524.031), pest and weed management (New Zealand Agricultural Aviation Association (S166.004), and energy activities and critical infrastructure (Westpower (S547.060)); and provision for mineral extraction (TiGa (S493.022), Birchfield (S601.021), WMS (S599.026), BRM (S603.018), Birchfield (S604.018), Phoenix (S606.019), Whyte Gold (S607), Bathurst Resources (S491.009) and Straterra (S536.044)). Ms Easton considered that infrastructure with a function and/or operational need to be located in significant natural areas should be provided for in the objective. Similarly, Ms Easton considered that lawfully established activities and pest and weed management activities should also be provided for. Conversely, Ms Easton did not consider that mineral extraction activities should be provided for in areas of significant environmental value as there is no higher order policy directive for such an outcome. Ms Easton advised that any reference to infrastructure in the objective can be amended depending on the Panel's conclusions about the definition of *'Energy Activities'*.

251. With respect to NENV-O4(a), Ms Easton did not support the amended wording sought by Birchfield et al (WMS (S599.027), TiGa (S493.023), Birchfield (S601.022), BRM (S603.019), Birchfield (S604.019), Phoenix (S606.020) and Whyte Gold (S607.019)), as she considered that the wording was inconsistent with sections 6(a), (b), (c), (f) and (g) of the RMA. However, Ms Easton supported the alternative wording suggested by Westpower (S547.061) to replace *'unique and important'* with *'significant and/or outstanding'* and including reference to *'inappropriate subdivision, use or development'*. In recommending these changes be accepted, Ms Easton considered that she has addressed several other submissions (Terra Firma (S537.009), Director General (S602.031), Forest and Bird (S560.101 and S560.436) and Te Tumu Paeroa).
252. In relation to NENV-O4(b), Ms Easton considered that reference to EMH should be included (Te Mana Ora (S190.020)), but she did not consider the changes sought by Forest and Bird (S560.101) to refer to *'appropriate activities'* and *'activities with appropriate conditions'* were necessary.
253. Lastly, Ms Easton considered that further policies to specifically protect Outstanding Natural Landscapes and Significant Natural Areas were not necessary (Clare Backes (S444.002)) because the topic focussed objectives and policies in Part 3 of the pTTPP are appropriate and adequate.

#### **Hearing and Submitter Evidence**

254. The evidence summaries below refer only to areas of disagreement (i.e. where a submitter disagrees with the recommendation of the reporting officer).
255. Forest and Bird did not support the changes recommended by the Reporting Officer to NENV-O1, NENV-O3 or NENV-O4.
256. Specifically, Forest and Bird considered that NENV-O1 was not clear in its relationship to s6 of the RMA, noting that *'F&B's reading of the notified wording is that the objective is about recognising and protecting what contributes to the West Coast's character and identity is not necessarily the same as protection for matters of national importance under s6 so does not need to be limited to "outstanding" or "significant"'*. Furthermore, the use of *'significant'* and *'outstanding'* *'would potentially exclude aspects of Policies 11, 13 and 15 of the NZCPS'*. Lastly, Forest and Bird considered that the use of *'restore'* in NENV-O1 is a more appropriate term compared to *'enhance'*.

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257. With respect to NENV-O3, Forest and Bird maintained that the objective should be deleted as it is unclear and reads like a policy. Furthermore, Forest and Bird did not consider that the recognition of existing lawfully established (farming activities) in significant areas is appropriate for the natural environment.
258. In relation to NENV-O4(a), Forest and Bird expressed similar concerns to those held for NENV-O1. They considered that if the intention is to align the objective with s6 of the RMA, it should align itself with s6(a) of the RMA and the NZCPS (which refers to ‘natural character’). Furthermore, they considered to include ‘significant’ and ‘outstanding’ and ‘inappropriate subdivision, use and development’ would be inconsistent with s6(c) of the RMA (*‘the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:’*). Lastly, Forest and Bird considered that the use of the EMH in NENV-O4(b) was inconsistent with the framework for that effects management concept.
259. In relation to NENV-O1, Ms Inta noted that all natural indigenous biodiversity and natural areas need protecting, not just those that are outstanding or significant. She considered that NENV-O3 should be deleted, or at least not limited to public conservation land. She also considered that NENV-O4 should retain reference to *‘unique and outstanding’* which is *‘more elastic, not so encased by static borders’*.
260. Ms Levenson (for HortNZ) noted opposition for adding *‘enhance’* to NENV-O1, as this is not consistent with the NPSIB, which only recognised restoration and enhancement where maintenance of indigenous biodiversity is sought. Ms Levenson promoted the phrase *‘restore where degraded’* in lieu of *‘enhance’*.
261. Mr Kennedy (for Westpower) considered that the blanket protection promoted by NENV-O1 was a higher threshold than required by the RMA, the various NPS’ and the WCRPS. In relation to NENV-O3, Mr Kennedy considered that the amendment to *‘functional and operational need’* should instead be *‘technical and locational need’*, which was consistent with the WCRPS.
262. Ms McKenzie (for Birchfield et al) considered that to include *‘enhance’* in NENV-O1 is inconsistent with s6 of the RMA, the NZCPS (which promotes restoration, or otherwise enhance as an option), the NPSIB (which only requires enhancement ‘where necessary’ and only with respect to indigenous biodiversity, not natural character, landscapes and features) and the WCRPS (which encourages enhancement, i.e. it does not mandate it). Ms McKenzie considered that higher order documents *‘encourage and promote’* enhancement, but do not direct it. In relation to NENV-O3, Ms McKenzie considered that mineral extraction activities should also be recognised as having a functional or operational need to location in significant areas because this is provided for by the NPSIB and, less generally, by the WCRPS.
263. In a similar vein to Ms McKenzie, Ms Hunter (for Bathurst) considered that NENV-O3 needed to refer to mineral extraction activities (as well as infrastructure), as they too are functionally and locationally constrained and may need to locate within significant natural areas. Ms Hunter also referred to the NPSIB (Clause 3.11 specifically) as providing a pathway for mineral extraction activities in significant areas and also advised that mining is critical to support infrastructure and housing development.
264. Ms Whitney (for Transpower) generally supported the alterations to NENV-O3 but expressed concerns that the reference to *‘functional need and operational need’* should not be a conjunctive reference, rather it should read *‘functional need or operational need’* as there may well be instances where both needs are not met. She noted that the Reporting Officer

recommended amendment to CR-O3 refers to '*functional or operational need to be in that location*'. She did not consider the introduction of '*locational need*' was necessary.

265. Ms Whitney said that NENV-O2(b) should refer to 'significant **natural** area', although it was noted by the Panel that Transpower had not submitted on this matter.

### **Responses and Reporting Officer Reply Evidence**

266. In her right of reply (10 November 2023), Ms Easton noted that the NENV SD arose from consideration of the following:

- *WCRPS -Indigenous Biological Diversity – Objective 1, Objective 3, Policy 3, Regionally Significant Infrastructure Policy 3*
- *Ke Whanaketanga Tai Poutini West Coast Strategy - Mission Two*

267. In her 'review paper' Ms Easton provided a revised Natural Environment set of SD which included two objectives and two policies.

### **Responses to Minute 22**

268. Ms Inta and Buller Conservation Group sought amendments to the revised NENV-P1, in particular:

- clause (a) to address duplication and the contribution to the protection of natural environmental values made be private land;
- clause (b) to discourage infrastructure within SNAs; and
- clause (d) regarding supporting the ethic of stewardship. She also expressed concerns about the revise NENV-P2(b) in potentially enabling some level of subdivision, use and development within SNA's.

269. Transpower supported revised NENV-O1 in principle but for consistency would support reference to '*outstanding*' in relation to natural features and landscapes. In terms of revised NENV-P1, Transpower reiterated that the mix of terminology used within the plan is confusing noting that it is not clear if the policy is confined to '*Significant Natural Areas*' as defined in the TTPP, and/or '*Areas of significant indigenous vegetation and fauna habitat*', and if the policy applies to Outstanding Natural Features and Landscapes. They also sought to amend the '*and*' to '*or*' in clause (b) to reflect there may well be instances where both needs are not met and questioned whether clause e. regarding pest and weed control was better placed as a non-regulatory method outside the TTPP.

### **Evaluation**

270. The Panel has considered the issues raised in submissions on the Natural Environment SD section, including those supporting the provisions as notified. Again, in the context of this section, we consider some of the objectives are framed as policies rather than objectives. We accept Ms Easton's analysis in her 10 November reply that there is broad scope within the submissions for change in the Natural Environment strategic objectives.

271. The Panel have considered the revised sets of provisions drafted by Ms Easton drafted in her 'review paper' and commented on them below. In general terms, we agree that an objective and policy framework is better suited to the Natural Environment SD provisions. We address these in turn below.

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272. In relation to NENV-O1, the Panel generally considers it is appropriate to clarify its intent. However, we acknowledge the introduction of the word *'enhance'* is not supported by a number of submitters with suggestions that it is inconsistent with s6 of the RMA. Some submitters, including Forest and Bird and HortNZ, prefer the word *'restore'*.
273. The difficulty here is that the objective is dealing with three distinct areas, natural character, landscapes and features and ecosystems and indigenous biodiversity, where the wording used in high order documents for each can be different. For example, the words *'restore'* and *'restoration'* prominent in the NPSIB, within which *'enhancement'* is part of the definition of *'restoration'*. *'Restoration'* is also used more prominently used in the NPSFM than *'enhancement'*, whereas the NZCPS encourages *'restoration'* of the coastal environment and promotes restoration or rehabilitation of the natural character of the coastal environment. Enhancement in the NZCPS is generally confined to open space and walkways.
274. The Panel acknowledge Ms McKenzie's reference to the NPSIB requiring enhancement (and restoration) *'where necessary'* and only with respect to indigenous biodiversity; and note that NPSIB Objective to maintain indigenous biodiversity is to be achieved by amongst other things *'protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity'*. The NPSFM uses *'promoted'* as its qualifier.
275. Based on the above, the Panel considers *'restore'* the more appropriate word stemming from the higher-level documents than *'enhance'* in this instance. We also consider a qualifier such as *'where degraded'* appropriate in these circumstances.
276. The Panel agrees with the additional wording proposed by Manawa and recommended by Ms Easton, although we consider that *'outstanding'* needs to relate to natural landscapes and features alone as per s6(b) of the RMA.
277. The Panel agrees with Ms Easton that the intent at a strategic level is to *'protect'* the highest value natural environment features rather than simply *'managing'* adverse effects as sought by Westpower. We also agree that *'Poutini Ngāi Tahu's cultural and spiritual values'* should be retained in the objective.
278. Finally, the Panel agrees with Ms Easton that strategic objectives do not need to parrot the RMA, and we consider the following amendments will make the objective clearer:
- NENV-O1* ~~To~~ ~~Recognise, and protect~~ ***and where necessary restore*** the natural character, ***outstanding natural*** landscapes and features, ***significant*** ecosystems and indigenous biodiversity that contribute to the West Coast's character, ~~and~~ identity and ***to*** Poutini Ngāi Tahu's cultural and spiritual values.
279. In terms of NENV-O2, the Panel agrees with the amendments recommended by Ms Easton to refer to the natural environment generally rather than areas and features; and to recognise the connection of Poutini Ngāi Tahu to the natural environment. However, this is one of the provisions we consider reads as a policy, and therefore, we have recommended the wording of Ms Easton's amended objective in her 'review paper' below.
280. The Panel agrees with Ms Easton's reasoning that the objective should not be deleted, as Ms Inta and Buller Conservation Group sought.
281. The Panel's recommended wording on NENV-O2 is as follows:

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- NENV-O2 ~~To ensure that~~ The rights, interest, and values **and connection** of Poutini Ngāi Tahu to **the** natural environment ~~areas and features~~ are protected and provided for and that the ability to exercise kaitiakitanga and tino rangatiratanga is maintained and enhanced.
282. NENV-O3 attracted several submissions, ranging from requests to delete it to various amendments. Again, the Panel considers this provision to read as policy and would be better reframed as such.
283. The Panel agrees with Ms Easton’s reasoning, particularly associated with public conservation land, recommend the provision is retained and not deleted as sought by Forest and Bird.
284. The Panel acknowledges that infrastructure is, and may continue to be, located in areas such as an Outstanding Natural Landscape and a continued reference to infrastructure in some form is necessary. We note that as a result of recommendations in the Energy, Infrastructure and Transport Chapter ‘*infrastructure*’ in this context would be replaced with ‘*Regionally Significant Infrastructure*’ which would satisfy part of the Westpower submission.
285. We agree with the Director General that introducing ‘*functional and operational needs*’ of RSI into clause (b) will assist in the interpretation of this objective and we consider this is case where ‘*operational need*’ is appropriate to give effect to the NPSREG, NPSET and RPS. Notwithstanding, we agree with Ms Whitney that this does not need to be a conjunctive test, and the word ‘or’ should replace ‘and’ which would be consistent with other recommendations.
286. While the Panel acknowledges Mr Kennedy’s preference is to use ‘*technical and locational need*’ to be consistent with the WCRPS, we consider ‘*functional and operational need*’ more appropriate, given they are defined and more widely use in the higher-order NPS’s.
287. The mining companies have sought that clause b. be expanded to include mineral extraction on the basis such activity is also in terms of its locational, functional and operational requirements, with Ms Hunter noting that the NPSIB provides a pathway for such. We have given this some consideration, however, we agree with the conclusions of Ms Easton on this matter and note that we have addressed it in the Mineral Extraction SD provisions to some extent.
288. The Panel agrees with the other amendment sought by the Director General to remove the reference to ‘*protecting significant areas, habitats and features*’ in clause a. as it seems to somewhat duplicate what is already in the clause. We note that these amendments address the concerns of other submitters.
289. The Panel agrees that the introduction of a lawfully established clause sought by Federated Farmers is appropriate and may address some of the mining industry’s concerns above. We also agree that a reference to weed and pest control, as sought by the NZ Agricultural Aviation Association, is appropriate in this context.
290. The Panel recommends that NENV-O3 be changed to NENV-P2 and that the policy wording be amended along the lines of Ms Easton’s amended objective in her ‘review paper’ shown below. We also note Ms Whitney comment on introducing the word ‘*natural*’ into subclause (b), however we consider this would narrow the clause substantially. As we see it ‘*significant areas*’ was designed to encompass the broad range of environmental features. We consider

the term may therefore be unclear and we recommend amending it in line with proposed Policy 1 to refer to ‘*significant and/or outstanding natural environment areas and features*’ for clarity using Clause 16(2) of the RMA:

NENV-P2 ~~Te~~ In relation to the natural environment recognise:

- a. *The substantial contribution to the protection of natural environment values that is made by the existence of public conservation land ~~in~~ protecting significant areas, habitats and features;*
- b. *The **functional or operational** need for **regionally significant** infrastructure to sometimes be located in significant **and/or outstanding natural environment areas and features**; ~~and~~*
- c. *The need to support the ethic of stewardship **on private and public lands** ~~and to consider the positive effects of the conservation estate in achieving the requirements of the RMA;~~*
- d. There are lawfully established activities located in significant natural environment areas; and**
- e. The need for weed and pest control to protect, maintain and enhance natural environment values.**

291. In terms of NENV-O4, this is a further provision the Panel considers reads as a policy and would be better framed as such.
292. The mining industry have sought to change the emphasis of the provision from identifying areas that “*must be protected*” to areas “*which require a greater degree of protection*”. The Panel agrees with Ms Easton that s6 of the RMA clearly specifies “*protection*” for the likes of outstanding natural landscapes, natural character and significant biodiversity values. Further, it was unclear to us what “*a greater degree of protection*” was to be measured against, and in our view, such wording would create a high level of uncertainty.
293. In terms of the introduction of the EMH, the Panel considers that under the Ecosystems and Indigenous Biodiversity Chapter is a place for it to be referenced, given the requirements of the higher order documents in this regard. We agree with Ms Easton that it helps provide direction on how to manage adverse effects of activities within these high natural environments. We are, however, cautious that the EMH may not be appropriate in all circumstances and therefore consider its introduction needs to be accompanied by a qualifier. We are also mindful that it is specific to the NPSIB and its use relates to activities within identified SNA, which yet to be completed under the NPSIB.
294. With regard to the other rewording sought by submitters, the Panel agrees with Ms Easton that the objective could be better worded and better aligned with the RMA requirements. In that context, we agree with the reference to “*significant and/or outstanding*” sought by Westpower in replace of “*unique and important*” and the introduction of “*inappropriate subdivision, use and development*”, as sought by the Director General.
295. The Panel does not support the revised wording of clause (b), proposed by Forest and Bird, nor the need to define “*important natural environment areas and features*”.
296. The Panel recommends that NENV-O3 be changed to NENV-P1 and that the policy wording be amended along the lines of Ms Easton’s amended objective in her ‘review paper’ shown below:

~~NENV-O4 To clearly identify:~~

- ~~a. Unique and important natural environment areas and features on the West Coast/ Te Tai o Poutini which must be protected; and~~
- ~~b. Areas where subdivision, use and development to enable community economic, cultural, and social wellbeing can be sustainably managed.~~

**NENV-P1 Within significant and/or outstanding natural environment areas and features:**

- a. identify areas which must be protected from inappropriate subdivision use and development; and**
- b. identify areas where subdivision, use and development can be sustainably managed, using, where appropriate, the effects management hierarchy, to enable community, economic, cultural and social wellbeing.**

### **Recommendation**

297. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submissions identified in the footer below are accepted or accepted in part and that changes are made to the Natural Environment SD as follows:

Natural Environment – Te Taiao

This Chapter sets out the overarching direction for matters relating to the natural environment across the West Coast/Tai o Poutini.

Natural Environment Strategic Objectives

NENV-O1 ~~To~~ Recognise, and protect **and where necessary restore**<sup>46</sup> the natural character, **outstanding** landscapes and features, **significant**<sup>47</sup> ecosystems and indigenous biodiversity that contribute to the West Coast's character and identity ~~and Poutini Ngāi Tahu's cultural and spiritual values.~~

NENV-O2 ~~To ensure that~~ The rights, interests, and values **and connections**<sup>48</sup> of Poutini Ngāi Tahu to **the** natural environment ~~areas and features~~<sup>49</sup> are protected and provided for and ~~that~~<sup>50</sup> the ability to exercise kaitiakitanga and tino rangatiratanga is maintained and enhanced.

~~NENV-O4 To clearly identify:~~

- ~~a. Unique and important natural environment areas and features on the West Coast/ Te Tai o Poutini which must be protected; and~~
- ~~b. Areas where subdivision, use and development to enable community economic, cultural, and social wellbeing can be sustainably managed.~~

<sup>46</sup> Director General of Conservation (S602.029)

<sup>47</sup> Manawa S438.028

<sup>48</sup> Ngāi Tahu (S620.065)

<sup>49</sup> Forest and Bird (S560.099)

<sup>50</sup> Clause 16(2) First Schedule of the RMA

### Natural Environment Strategic Policies

#### NENV-P1 Within significant and/or outstanding natural environment areas and features.<sup>51</sup>

- a. identify areas which must be protected from inappropriate subdivision use and development; and<sup>52</sup>
- b. identify areas where subdivision, use and development can be sustainably managed, using, where appropriate, the effects management hierarchy, to enable community, economic, cultural and social wellbeing.<sup>53</sup>

#### ~~NENV-02~~P2 In relation to the natural environment recognise:

- a. The substantial contribution to the protection of natural environment values that is made by the existence of public conservation land ~~in protecting significant areas, habitats and features;~~<sup>54</sup>
- b. The **functional or operational**<sup>55</sup> need for **regionally significant** infrastructure to sometimes be located in significant **and/or outstanding natural environment areas and features;**<sup>56</sup> and
- c. The need to support the ethic of stewardship **on private and public lands** and ~~to consider the positive effects of the conservation estate in achieving the requirements of the RMA;~~<sup>57</sup>
- d. There are lawfully established activities located in significant natural environment areas; and<sup>58</sup>
- e. The need for weed and pest control to protect, maintain and enhance natural environment values.<sup>59</sup>

~~For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives.<sup>60</sup>~~

## 1.16. Poutini Ngāi Tahu

### Submissions and Further Submissions

298. Four submission points were received in support of the Poutini Ngāi Tahu SD (as a whole).
299. Three submission points were received in support of the POU-01, one of which sought a new definition to support the SD.

<sup>51</sup> Westpower (S547.061)

<sup>52</sup> Director General of Conservation (S602.031)

<sup>53</sup> Te Mana Ora (S190.020)

<sup>54</sup> Director General of Conservation (S602.030)

<sup>55</sup> Director General of Conservation (S602.030) TiGa Minerals and Metals Limited (S493.022) Birchfield et al (S601.021), (S599.026), (S603.018), (S604.018), (S606.019), (S607.018), Bathurst (S491.009)

<sup>56</sup> Clause 16(2) of the RMA

<sup>57</sup> Director General of Conservation (S602.030)

<sup>58</sup> Federated Farmers (S524.031)

<sup>59</sup> New Zealand Agricultural Aviation Association (S166.004)

<sup>60</sup> Forest and Bird (S560.090, S560.086, S560.088, S560.097, S560.102, S560.103, S560.105, S560.435)

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

### Strategic Directions – Te Pae Tawhiti

300. Two submission points were received in support of the POU-O2, one neutral submission was received, and one was received seeking amendments to the POU-O2 (which was opposed in a further submission). One further submission was received in opposition.
301. Two submission points were received in support of the POU-O3.
302. Two submission points were received in support of the POU-O4.
303. Twenty-one submission points were received in support of the various POU policies, while 15 submission points were received seeking amendments to the POU-P3, POU-P4, POU-P5, POU-P6, POU-P9 and POU-P10. Thirteen further submission points were received largely opposing amendments sought.
304. The Panel adopts the summary of the submissions and further submissions provided in the s42A Report.

### **Section 42A Report**

305. Ms Easton acknowledged support for the Poutini Ngāi Tahu SD as a whole, for POU-O1, POU-O3 and POU-O4. With respect to Te Tumu Paeroa submission (S440.008) on POU-O1 seeking a new definition, Ms Easton advised that this issue would be considered as part of Special Purpose Zones topic.
306. With respect to POU-O2, Ms Easton did not support the submission by Te Tumu Paeroa (S440.009), which sought to limit the cultural rights and interests by including '*where appropriate*' in the objective. Ms Easton advised that this would be inconsistent with the Ngāi Tahu Claims Settlement Act and Te Rūnanga o Ngāi Tahu Act, which identify that Te Rūnanga o Ngāi Tahu is the iwi authority for the West Coast who hold mana whenua. Ms Easton also advised that the submission by Birchfield (S604.109) would be considered as part of the Sites and Areas of Significance to Māori topic.
307. Submissions were received seeking amendments to the POU-P3, POU-P4, POU-P5, POU-P6, POU-P9 and POU-P10.
308. Ms Easton did not support the amendment to POU-P3 (sought by Westpower (S547.062)) to provide for the management of cultural landscapes (rather than protection). Ms Easton considered that cultural landscapes are provided for pursuant to s6(e) and warrant protection, rather than management.
309. Ms Easton supported the change to POU-P4 sought by Poutini Ngāi Tahu (S620.075) to amend '*Māori cultural activities*' to '*Māori purpose activities*', as this improved consistency and readability.
310. With respect to POU-P5, Ms Easton did not support the amendment sought by Buller Conservation Group and Frida Inta (S552.042 and S553.042) that only '*recognised*' mahinga kai sites are guaranteed access. Ms Easton advised that mahinga kai was traditionally gathered throughout the region. Lastly, Ms Easton confirmed that the submission by Te Tumu Paeroa (S440.010) would also be addressed as part of the Sites and Areas of Significance to Māori topic.
311. Ms Easton did not support the deletion of the Ngāi Tahu (Pounamu Vesting) Act 1997 in POU-P6, as sought by Birchfield (S604.110), and noted that cross referencing other legislation was not out of place.

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312. Ms Easton did not support the amendment sought by Te Tumu Paeroa (S440.011) to recognise Māori landowners (as well as Poutini Ngāi Tahu) as specialists in tikanga. Ms Easton advised that only Poutini Ngāi Tahu are recognised as mana whenua and are therefore the experts on tikanga on the West Coast.
313. Birchfield *et. al.* and Federated Farmers sought to amend the protection requirement of POU-P10 to a management / recognition requirement (WMS Group (S599.028), TiGa (S493.024), BRM Developments (S603.020), Birchfield (S604.020), Phoenix Minerals (S606.021), Whyte Gold (S607.020) and Federated Farmers (S524.032)). Ms Easton did not support this amendment because it was not consistent with s6(e) of the RMA. Further, Ms Easton did not support the minor wording change sought by Frida Inta (S552.042) and Buller Conservation Group (S552.042) because the notified wording was intentional.

### Hearing and Submitter Evidence

314. The evidence summaries below refer only to areas of disagreement (i.e. where a submitter disagrees with the recommendation of the reporting officer).
315. With respect to POU-P3, Mr Kennedy (for Westpower) noted the following: *'It [the submission] proposes consistency between what is ultimately sought through the related objective POU-O3 (identify and manage) and later provisions in the plan regarding SASM's for a management approach through direct consultation requirements. In my opinion the change sought is appropriate, consistent with, and will directly assist the outcome sought in POU-O3 as there may be instances, depending on the circumstances, where it is accepted that total protection is not required to achieve Poutini Ngai Tahu outcomes'*.
316. Ms Inta (for herself and the Buller Conservation Group) noted that it is appropriate that access for Māori purpose activities is subject to some limits to ensure that access does not compromise other important values in the region.
317. Ms Rimene and Ms Huirama (for Te Tumu Paeroa) presented information outlining the position of the Māori Trustee that the provisions of the TPP should provide a pathway for Māori who whakapapa to the region (but are not registered to Poutini Ngāi Tahu) to develop their lands (in particular papakāinga). Specifically noting that, where a pathway is not provided, *'The Māori Trustee considers that placing this additional requirement on Māori who whakapapa to Māori freehold land is unprincipled and inconsistent with the Māori Land Act - Te Ture Whenua Māori Act 1993 and the Resource Management Act 1991'*.

### Responses and Reporting Officer Reply Evidence

318. A letter was provided by Dr Charlotte Severne (the Māori Trustee) on 20 November 2023, in response to questions by the Panel. This letter assisted the Panel to understand better the role and responsibility of the Māori Trustee, the status and values of Māori Freehold Land and the barriers to the development of Māori Freehold Land. Notably, the letter records that - *'Te Ture Whenua Māori Act 1993 recognises that Māori land is a taonga tuku iho of special significance to Māori passed on from generation to generation. An interest in Māori freehold land is also considered a whakapapa link for owners to their tūpuna, whānau, hapū and iwi, whether they reside on the whenua or not'*.
319. A Joint Statement prepared by representatives of Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, Te Rūnanga o Ngāi Tahu and the Māori Trustee was provided to the Panel on 14 August 2024. With respect to the Poutini Ngāi Tahu SD, this Joint Statement confirmed

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Strategic Directions – Te Pae Tawhiti

that the Māori Trustee's submission (S440.009) on POU-O2 was formally withdrawn and that POU-P9 be amended as follows:

*Recognise Poutini Ngāi Tahu and Māori landowners as specialists in tikanga and as being best places to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga.*

320. In her Right of Reply (10 November 2023), Ms Easton noted that the POU SD arose from consideration of the following:

- WCRPS – Poutini Ngāi Tahu Chapter
- Mana Whakahono a Rohe Agreement
- Westland National Park Draft Management Plan
- Paparoa National Park Management Plan
- Lake Mahinapua Iwi Management Plan

### **Hearing Panel's Evaluation**

321. The Panel have considered the submission and further submission points and Ms Easton's responses to those. We agree that no changes are necessary to POU-O1, POU-O2, (noting that the Te Tumu Paeroa submission (S440.009) has been withdrawn), POU-O3, POU-O4, POU-P1, POU-P2, POU-P7 and POU-P8.

322. In terms of POU-P3, the Panel agree with Ms Easton that cultural landscapes fall under the matters provided for in Section 6 (e) of the RMA and as such the replacement of "protection" with "management" of cultural landscapes as sought by Westpower is inappropriate. No changes are therefore recommended to POU-P3.

323. Poutini Ngāi Tahu have sought amendments to the wording of the POU-P4 to be consistent with other parts of the Plan in terms of the use of "Māori purpose activities" instead of "Māori cultural activities" and reordering the wording of the policy. The Panel agrees these changes would improve Plan consistency. They have also sought to delete reference to 'settlements' on the basis that enabling Papakāinga throughout the Te Tai o Poutini region and not just within settlements as it is important to ensure the relationship of Poutini Ngāi Tahu with their ancestral land continues. The submission notes that this is also reflected in the provisions of the plan where Papakāinga is enabled in areas outside of settlements. Again, the Panel agrees with this change.

324. Frida Inta and Buller Conservation Group have sought that the provisions of POU-P5 only apply to "recognised" mahinga kai sites. Ms Easton has noted that mahinga kai sites are not scheduled in the Plan and that during pre-European times, mahinga kai were coast-wide. As such, she did not consider the amendment appropriate, and the Panel agrees with that position. No changes are, therefore, recommended to POU-P5.

325. Birchfield Ross Mining Limited have sought that the reference to the Pounamu Vesting Act in POU-P6 be deleted on the basis that it is not necessary that an RMA document refer to other legislation. Ms Easton considered there was value in referencing the Pounamu Vesting Act, as this was the basis that returned all pounamu owned by the Crown to Ngāi Tahu. She also noted that it is not uncommon for other legislation to be referenced in an RMA document, giving the example of the Building Act which is referenced in a number of TTPP provisions. The Panel agrees with the reasoning; therefore, no changes are recommended to POU-P6.

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326. In terms of POU-P9, the Panel notes the letter from Te Tumu Paeroa dated 22 August 2024 formally withdrawing their submission point to include “Māori landowners” within the policy.
327. Birchfield *et. al.* have sought that POU-P10 be amended to replace “protect” with “manage adverse effects on” while Federated Farmers have sought that that “protect” be replaced with “recognise”. Ms Easton did not consider that the words “manage adverse effects on” or “recognise” reflected the protective intent of s6 of the RMA. The Panel agrees with that position, and we consider that “protect” is the appropriate word to use in this policy.
328. Finally, the Panel agrees with Ms Easton that the words “while ensuring” in POU-P10 should be retained rather than “and ensure” as sought by Frida Inta and Buller Conservation Group. We note Ms Easton’s comment that the use of “while ensuring” was deliberate – to imply that Poutini Ngāi Tahu’s role around decision making is integral to the protection of sites.
329. No changes are therefore recommended to POU-P10.

### Recommendation

330. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that relevant submissions identified in the footnotes below are accepted and that changes are made to the Poutini Ngāi Tahu SD as follows:

POU-P4 Provide for papakāinga, marae and Māori cultural **purpose** activities to be established **on Poutini Ngāi Tahu land and** throughout the West Coast/Te Tai o Poutini settlements and on Poutini Ngāi Tahu land.<sup>61</sup>

~~For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives.<sup>62</sup>~~

### 1.17. Tourism – Te Tāpoi

#### Submissions and Further Submissions

331. Three submission points were received in support of the TRM-O1, while eight submission points were received seeking amendments to the TRM-O1.
332. The Panel adopts the summary of the submissions and further submissions provided in the s42A Report.

#### Section 42A Report

333. Ms Easton supports the submissions by Jane Whyte and Jeff Page (S467.001 and S467.008) to recognise the strategic importance of Punakaiki, Weheka/Fox Glacier and Waiau/Franz Josef to the tourism industry on the West Coast (noting that all three townships have a ‘Scenic Visitor Special Purpose Zone’). Ms Easton has recommended that a new clause (9) be added to the objective, specifically: *Recognising the strategic importance of Weheka/Fox Glacier, Waiau/Franz Josef and Punakaiki townships to Te Tai o Poutini/West Coast tourism.*

<sup>61</sup> Ngāi Tahu (S620.075)

<sup>62</sup> Forest and Bird (S560.090, S560.086, S560.088, S560.097, S560.102, S560.103, S560.105, S560.435)

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

Strategic Directions – Te Pae Tawhiti

334. Ms Easton also supported the minor amendments sought by Poutini Ngāi Tahu (S620.082) to achieve consistency across the pTTPP.
335. Ms Easton supported any consequential redrafting of TRM-O1(3) and TRM-O1(4) arising from amendments to the definition of infrastructure dealt with in the Energy, Infrastructure and Transport Chapters hearing (Westpower, S547.063).
336. Ms Easton did not consider that further amendments to the Tourism SD were needed to address the natural environment (Forest and Bird, S560.104), natural hazards (EQC, S612.005) or reformatting (Karen Lippiatt, S439.011). Ms Easton advised that other SD would address the natural environment and natural hazards and that reformatting of the objective does not assist with its understanding or readability.

### **Hearing and Submitter Evidence**

337. The evidence summarised below refers only to areas of disagreement (i.e. where a submitter disagrees with the recommendation of the Reporting Officer).
338. Mr Luxon for Scenic Hotels Group said they were seeking to grow new opportunities in tourism and looking to the TTPP to encourage that. He noted that the provision of staff accommodation was a problematic area which the Plan might address. Mr Milne from Development West Coast also considered accommodation one of the biggest issues.
339. Mr Kennedy (for Westpower) acknowledged the merits of waiting to see how infrastructure definitions are resolved through other hearing streams before confirming the wording of TRM-O1(3) and TRM-O1(4).

### **Responses and Reporting Officer Reply Evidence**

340. Ms Easton in her initial reply evidence consider there was scope for amendments to the Tourism Strategic Objective, noting that the submission of Karen Lippiatt (S439) sought to turn it into multiple objectives. However, Ms Easton did not provide any specific alterations in her review paper but included tourism within the Economic Development provisions which the Panel has recommended not to proceed with.

### **Evaluation**

341. In considering the objective, the Panel is of a view that, as currently framed, it is somewhat of a confusion of statements, objective and policies, with words like supporting, providing, ensuring and managing all being used in the provision in the same context. We concur with the submission of Karen Lippiatt that the clauses need to be refined and consider doing so will provide greater clarity in what is sought to be achieved.
342. The Panel agrees that the townships of Punakaiki, Fox Glacier, and Franz Josef should be recognised in the Tourism SD given that they are the most visited tourism locations on the West Coast and that all three have Scenic Visitor Zone (a Special Purpose Zone) identifications over some of their commercial areas, which recognise the townships' importance to the tourism industry.
343. The Panel also accepts the minor wording changes to ensure consistency sought by Poutini Ngāi Tahu. We acknowledge the changes to the wording '*infrastructure*' sought by Westpower and note the recommended amendments stemming from the EIT Chapters.

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

### Strategic Directions – Te Pae Tawhiti

344. The Panel agrees with Ms Easton that tourism activity within Public Conservation Land is subject to the Conservation Act and Conservation General Policy, which DOC administers. We do not see the need for the objective to reflect this.
345. The Panel also agrees that the matters raised by Forest and Bird are already addressed in the Natural Environment SD.
346. For the reasons outlined above TRM-O1 have been amended as follows:

TRM-O1 ~~To~~ **Recognise** the significance of tourism to the West Coast/Te Tai o Poutini economy by providing for sustainable tourism development while managing the adverse effects on the environment, communities and infrastructure. ~~This includes:~~

#### **TRM-P1 Support:**

1. ~~Supporting~~ the development of visitor facilities and accommodation within and near existing settlements and communities and on public conservation land where appropriate;
2. ~~Supporting~~ the development of cycling and walking connections between tourism sites;
3. ~~Supporting~~ Ngāti Waewae and Ngāti Māhaki ~~o Mākaawhio~~ to exercise kaitiakitanga, and provide education about the cultural importance of maunga, other landforms, taonga and wāhi tapu to Poutini Ngāi Tahu and how to treat these areas with respect; ~~and~~
4. ~~Supporting~~ Poutini Ngāi Tahu in expansion of their tourism and visitor activities to deliver better economic outcomes for the hapū; ~~and~~
5. **the strategic importance of Weheka/Fox Glacier, Waiau/Franz Josef and Punakaiki Townships.**

**TRM-P2** ~~Provide ing~~ for the development, maintenance and upgrading of supporting infrastructure and ~~Ensuring~~ **ensure** that visitor facilities are connected to existing services and infrastructure.

**TRM-P3** ~~Manage ing~~ the development and expansion of visitor activities and services so that the natural and **Poutini Ngāi Tahu cultural values**, amenity and character of the West Coast/Te Tai o Poutini and its communities are maintained.

**TRM-P4** ~~Promoting~~ **Ensure** a sustainable approach to tourism and minimising the adverse effects, and in particular cumulative adverse effects, of visitor activities and services on Poutini Ngāi Tahu values and wāhi tapu, natural values, amenity and landscape.

### **Recommendation**

347. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that relevant submissions identified in the footer below are accepted and accepted in part and that changes are made to the Tourism SD as follows:

TRM-O1 ~~To~~ **Recognise** the significance of tourism to the West Coast/Te Tai o Poutini economy by providing for sustainable tourism development while managing the adverse effects on the environment, communities and infrastructure. ~~This includes:~~

#### **Tourism Strategic Policies**

**TRM-P1 Support:**<sup>63</sup>

1. ~~Supporting~~ the development of visitor facilities and accommodation within and near existing settlements and communities and on public conservation land where appropriate;
2. ~~Supporting~~ the development of cycling and walking connections between tourism sites;
3. ~~Supporting~~ Ngāti Waewae and Ngāti Māhaki ~~o~~ ~~Makaawhio~~<sup>64</sup> to exercise kaitiakitanga, and provide education about the cultural importance of maunga, other landforms, taonga and wāhi tapu to Poutini Ngāi Tahu and how to treat these areas with respect; ~~and~~
4. ~~Supporting~~ Poutini Ngāi Tahu in expansion of their tourism and visitor activities to deliver better economic outcomes for the hapū; **and**
5. **the strategic importance of Weheka/Fox Glacier, Waiau/Franz Josef and Punakaiki Townships.**<sup>65</sup>

**TRM-P2** ~~Provide ing~~ for the development, maintenance and upgrading of supporting infrastructure and ~~Ensuring~~ **ensure** that visitor facilities are connected to existing services and infrastructure.

**TRM-P3** ~~Manage ing~~ the development and expansion of visitor activities and services so that the natural and **Poutini Ngāi Tahu cultural values**,<sup>66</sup> amenity and character of the West Coast/Te Tai o Poutini and its communities are maintained.

**TRM-P4** ~~Promoting~~ **Ensure** a sustainable approach to tourism and minimising the adverse effects, and in particular cumulative adverse effects, of visitor activities and services on Poutini Ngāi Tahu values and wāhi tapu, natural values, amenity and landscape.

~~For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives.~~<sup>67</sup>

## 1.18. Urban form and development - Te āhua me te whanaketanga o te tāone

### **Submissions and Further Submissions**

348. Eleven submission points were received in support of the UFD-O1, while 12 submission points were received seeking amendments to the UFD-O1. Ten further submission points were received.
349. The Panel adopts the summary of the submissions and further submission points provided in the s42A Report.

### **Section 42A Report**

<sup>63</sup> Karen Lippiatt (S439.011) – in relation to the introduction of policies

<sup>64</sup> Ngāi Tahu (S620.082)

<sup>65</sup> Jane Whyte & Jeff Page (S467.001)

<sup>66</sup> Ngāi Tahu (S620.082)

<sup>67</sup> Forest and Bird (S560.090, S560.086, S560.088, S560.097, S560.102, S560.103, S560.105, S560.435)

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

### Strategic Directions – Te Pae Tawhiti

350. In response to submissions, Ms Easton supported amendments to the UFD SD to provide for heritage resources (Pouhere Taonga (S140.009)), Poutini Ngāi Tahu values (Ngāi Tahu (S620.083)) and reverse sensitivity effects on critical infrastructure (KiwiRail Holdings Limited (S442.019)); to specify that new urban development is location away from identified hazards and to promote low impact environment practices (Forest and Bird (S560.106)).
351. Ms Easton did not consider that further amendments are required to the UFD SD to provide for the health and wellbeing of communities and people (Te Mana Ora (S190.036)); to specify additional transport modes (Karen Lippiatt (S439.012)); to promote integrated management of land and water resources (Westpower Limited (S547.065)); to address reverse sensitivity effects on business and industrial land (Silver Fern Farms (S441.010)); to specifically recognise education facilities (Ministry of Education (S456.005)); and to remove reference to special character and amenity values (HortNZ (S486.012))
352. Ms Easton noted that the definitions for *'infrastructure'*, *'critical infrastructure'* and *'regionally significant infrastructure'* are outstanding issues and, once resolved, it may be appropriate to amend the UFD SD further to ensure alignment (Westpower Limited (S547.064) and Manawa Energy (S438.030)).

### **Hearing and Submitter Evidence**

353. The evidence summaries below refer only to areas of disagreement (i.e. where a submitter disagrees with the recommendation of the Reporting Officer).
354. Ms Styles (for Manawa) noted that, for consistency with the WCRPS, the term *'critical infrastructure'* should be replaced with *'regionally significant infrastructure'*. Ms Styles recommended that any decisions on the UFD SD be delayed until decisions are made on the Energy, Infrastructure and Transport Chapters.
355. Similar to Ms Styles, Mr Kennedy (for Westpower) considered that the terminology used in the UFD SD should reflect the decisions made on key definitions as part of the Energy, Infrastructure and Transport Chapters.
356. Mr Tuck (for Silver Fern Farms) did not consider that the UFD SD sufficiently addressed the potential conflicts between zones, which he considered is a key function of district plans, particularly when considering rezoning proposals. Mr Tuck considered that a new subclause was needed, specifically: *...Avoids or manages potential conflict (including reverse sensitivity effects) between incompatible activities and zones.*

### **Responses and Reporting Officer Reply Evidence**

357. As part of her "review report" Ms Easton proposed an objective and policy for the Urban Form and Development SD.
358. Ms Inta concurred with the change to the objective and policy but considered that there should be protection from reverse sensitivity to the urban environment.
359. Transpower supported the revised objective but noted it did not appear to reflect the notified objective. They expressed concerns with the policy in that clause (1) of the notified objective which refers to *'environments and built form that are attractive'* now forms the chapeau for the suggested policy and forms the basis for the other policy considerations. Confining the policy consideration to *'attractiveness'* Transpower considers is inappropriate given it is the sole policy for Urban Form and Development, and the very confined nature of

the overriding policy directive. They also said it was open to interpretation what is meant by *'attractive'*.

360. Transpower also expressed concern with clause (g), which is specific to infrastructure, stating that the chapeau means the clause is very limiting in achieving safe, efficient and effective infrastructure. They also had concerns that the reference to reverse sensitivity effects did not recognise there may be other effects which can compromise regionally significant infrastructure. Transpower continued to support the provision of a specific National Grid specific strategic objective.
361. Silver Fern Farms had considered there was a policy gap at the strategic level of the pTTPP, which was potentially inconsistent with the RMA s75(3)(c) requirement to give effect to the WCRPS, which includes clear directions about reverse sensitivity issues at Chapter 5, Objective 2 and Policy 2. They considered that this gap appeared to be recognised in paragraphs 13-14 of Ms Easton's review, but that this had not been addressed in proposed UFD-P1 apart from in relation to significant infrastructure. Silver Fern Farms considered critical need within SD to manage reverse sensitivity effects on other important economic activities in addition to mineral extraction.

### **Evaluation**

362. The hearing Panel again consider the objective as currently framed it is somewhat of a confusing mixture of statements, objective and policies. We note that HortNZ has sought that point 4-10 of UFD-O1 be amended to policies and that the objective itself be revised. Others have also sought the objective be revised. Therefore, we consider there is scope for a change to include objectives and policies to provide greater clarity and direction.
363. The Panel notes submitters (Manawa, Radio NZ and Westpower) seek changes to the term critical infrastructure and/or reference energy activities. We acknowledge this has primarily been addressed in the Energy, Infrastructure and Transport Chapters and that it is appropriate to reflect that outcome in these provisions.
364. The Panel agrees with Pouhere Taonga that heritage resources should be referenced under the Urban Form and Development SD. We consider that a reference to the health and well-being of residents, workers, and visitors in the objective, as sought by Te Mana Ora, is not necessary and note that this would not be confined to urban form and development in any event.
365. Toka Tū Ake EQC and Forest and Bird seek to avoid intensification in higher hazard areas, and to identify that urban development should be located away from identified hazardous locations respectively. The Panel notes that clause (4) requires recognition of the risk of natural hazards and requires new development is located in less hazardous locations. In our view, this necessitates consideration of the issue of natural hazards in relation to all development and is sufficient to appropriately address the issues raised by Toka Tū Ake EQC in different ways without requiring avoidance. The Panel recommend including the amendments sought by Forest and Bird.
366. KiwiRail and Silver Fern Farms raise the need for reverse sensitivity effects to be addressed within the Urban Form and Development SD. Ms Easton considers that this is already addressed within the zone provisions and it is therefore unnecessary to include this in the strategic direction for urban form. While noting that the protection of critical infrastructure is referenced in the objective, the Panel has some sympathy for the submitter's concerns.

We note that reverse sensitivity has been specifically included in the Mineral Extraction SD provisions, and we consider the Urban Form and Development SD is the other obvious area, at a strategic level, where reverse sensitivity effects could be recognised in relation to subdivision, use and development. We therefore agree that reverse sensitivity effects should be addressed in these provisions.

367. The Panel agrees with Ms Easton that the NPSFM specifically requires district plans to include provisions to promote positive effects and address adverse effects on the health and well-being of waterbodies, freshwater ecosystems, and receiving environments (in relation to Westpower's submission to restrict the consideration of the well-being of waterbodies and freshwater ecosystems to plan changes).
368. The Panel generally agrees with Silver Fern Farms that reference business and industrial activity is appropriate within the urban form and development SD, given that they are predominantly within and form a major part of urban environments and support their economic viability. We are not, however, convinced that reference to operational or functional needs to be in a particular location is necessary at this level.
369. The Panel agrees with Ms Easton, in response to the Ministry of Education's submission that, while educational facilities are very important, they are not a significant driver for urban form and development. In many respects, their location and function are already set. Nevertheless, we do consider reference to educational facilities, in terms of access, is necessary and recommend amending the provisions accordingly.
370. Ms Easton supports reference to guidelines around low impact design in response to Forest and Birds submission; and the Panel agrees with that inclusion.
371. Finally, the Panel agrees with the inclusion of recognising Poutini Ngāi Tahu values as part of the urban environment as sought by Ngāi Tahu.
372. Turning to the revision of the Objective, we agree with Transpower that Ms Easton's review report change to UFD-O1 does not entirely reflect the previous version and may therefore create a scope issue. As a result, we have amended the Objective in line with submissions and the original version. The Panel also agrees with Transpower that the use of the wording '*attractive*' at the front of the proposed policy in the review paper is problematic and would essentially require all subsequent provisions to address the attractive requirement, which seems unnecessary and in places unachievable.
373. For the reasons outlined above UFD-O1 have been amended as follows:

UFD-O1 ~~To have a~~ **Urban environments and built form are attractive to residents, businesses and visitors and support economic viability and function** on the West Coast Te Tai o Poutini.

**UFD-P1 Promote urban environments and built form through:**

- ~~1. Are attractive to residents, business and visitors;~~
- a. identifying and maintaining the values of areas of special character and amenity in urban areas and settlements;**
- ~~2. Have areas of special character and amenity value identified and their values maintained;~~

- b. supporting the economic viability and function of **commercial, including town centres, and industrial areas and protect them from potential reverse sensitivity effects between incompatible activities;**
- c. supporting inclusivity and housing choice for diversity in the community now and into the future;
- d. **supporting low environmental impact practices, materials and design during urban development;**
- e. improving overall accessibility and connectivity for people, transport (including walking and cycling), **education facilities** and services;
- f. **the identification, recognition and protection of heritage resources which are significant to the character and identity of Te Tai o Poutini/the West Coast; and**
- g. maintaining the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments.

**UFD-P2** Recognise the risk of natural hazards ~~whereby~~ **to** new development **and where possible** located ~~it away from identified~~ hazardous locations.

**UFD-P3** Promote the re-use and re-development of buildings and land, including private and public land.

**UFD-P4** Promoting the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure and protection of critical infrastructure **regionally significant infrastructure from reverse sensitivity effects.**

**UFD-P5** **Recognising Poutini Ngāi Tahu values as part of the urban environment.**

### **Recommendation**

374. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that relevant submissions identified in the footnotes below are accepted or accepted in part and that changes are made to the Urban Form and Development SD as follows:

~~UFD-O1 To have a~~ **Urban environments and built form are attractive to residents, businesses and visitors and support economic viability and function** on the West Coast Te Tai o Poutini.<sup>68</sup>

#### **Urban Form and Development Strategic Policies**

**UFD-P1** **Promote urban environments and built form through:**<sup>69</sup>

~~1. Are attractive to residents, business and visitors;~~

a. **identifying and maintaining the values of areas of special character and amenity in urban areas and settlements.**<sup>70</sup>

<sup>68</sup> HortNZ (S486.012)

<sup>69</sup> HortNZ (S486.012)

<sup>70</sup> HortNZ (S486.012)

~~2. Have areas of special character and amenity value identified and their values maintained;~~

b. supporting the economic viability and function of **commercial, including** town centres, **and industrial areas and protect them from potential reverse sensitivity effects between incompatible activities;**<sup>71</sup>

c. supporting inclusivity and housing choice for diversity in the community now and into the future;

**d. supporting low environmental impact practices, materials and design during urban development;**<sup>72</sup>

e. improving overall accessibility and connectivity for people, transport (including walking and cycling), **education facilities**<sup>73</sup> and services;

**f. the identification, recognition and protection of heritage resources which are significant to the character and identity of the West Coast/Te Tai o Poutini; and**<sup>74</sup>

g. maintaining the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments.

**UFD-P2** Recognise the risk of natural hazards ~~whereby~~ **to** new development **and where possible** located ~~it~~ **away from identified** hazardous locations.<sup>75</sup>

**UFD-P3** Promote the re-use and re-development of buildings and land, including private and public land.

**UFD-P4** Promoting the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure and protection of critical infrastructure **regionally significant infrastructure from reverse sensitivity effects.**<sup>76</sup>

**UFD-P5** **Recognising Poutini Ngāi Tahu values as part of the urban environment.**<sup>77</sup>

~~For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives.~~<sup>78</sup>

### 1.19. Miscellaneous

375. Development West Coast (S484.004) sought the addition of a new Strategic Direction chapter around “Sustainable Communities and Use and Development of Resources”. The

<sup>71</sup> Silver Fern Farms (S441.010)

<sup>72</sup> Forest and Bird (S560.106)

<sup>73</sup> Ministry of Education (S456.005)

<sup>74</sup> Pouhere Taonga (S140.009)

<sup>75</sup> KiwiRail Holdings Limited (S442.019), Westpower (S547.064)

<sup>76</sup> Forest & Bird (S560.106)

<sup>77</sup> Ngāi Tahu (S620.083)

<sup>78</sup> Forest and Bird (S560.090, S560.086, S560.088, S560.097, S560.102, S560.103, S560.105, S560.435)

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel**  
Strategic Directions – Te Pae Tawhiti

proposed objective and policies echoed the Sustainable and Resilient Communities Chapter of the WCRPS, and the wording of the policies proposed is similar.

376. Ms Easton commented that, while the objective and policies proposed are laudable sentiments, she did not consider it necessary to repeat direction that is already covered in the RMA and WCRPS. The Panel agrees with Ms Easton’s assessment.
377. Suzanne Hills (S443.014) sought an objective on the development and implementation of a regional renewable energy strategy. Ms Easton did not consider it to be a matter that should be addressed in a district plan. She said a regional renewable energy strategy should be set at the regional level and driven by the West Coast Regional Council or Development West Coast. The Panel agrees that waste management planning is generally undertaken at a regional level and that it is not necessary to include it in SD.
378. Finally, the Panel notes that in order to align with the requirements of the NPS, the strategic direction matters must be included alphabetically under the Strategic Direction heading<sup>79</sup>. As a result of the changes to the titles recommended above the strategic direction matters will need to be reordered alphabetically.



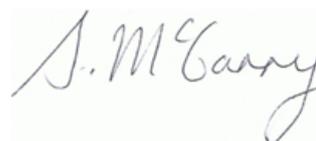
**Dean Chrystal**  
Hearings Panel Chair



**Maria Bartlett**  
Hearings Panel Member



**Paul Rogers**  
Hearings Panel Member



**Sharon McGarry**  
Hearings Panel Member



**Anton Becker**  
Hearings Panel Member

**Date: 5 September 2025**

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<sup>79</sup> Chapter 7, Mandatory directions, National Planning Standards

## APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

### Plan Text Amendments

Recommended amendments to the provisions in response to submissions are shown in ~~striketrough~~ and **bold** and **underline**.

Strategic Directions Title Page

#### **Strategic Direction – Te Pae Tawhiti**

This section of the plan will outline the significant resource management issues for the three districts. It will set the strategic direction for the plan in relation to:

Climate Change **and Resilience**

Mineral Extraction - **Te Tango Kohuke**

~~Biodiversity and natural heritage management~~ **Natural Environment - Te Taiao**

~~Natural hazards~~

**Poutini Ngāi Tahu**

**Land Based Primary Production - Te Whakanao Mātāmua i te Whenua**

Tourism - **Te Tāpoi**

Urban form and development - **Te āhua me te whanaketanga o te tāone**

#### **Strategic Directions Overview**

##### **Te Tirohanga Whānui ki ngā Ahunga Rautaki**

This chapter sets out the overarching direction for Te Tai o Poutini Plan as expressed through Strategic Directions. Strategic Objectives and Policies form an important part of the resource consent framework and should be considered alongside the relevant ~~zone or overlay~~ **other** objectives and policies when assessing resource consents.

These directions reflect those factors which are considered to be key to achieving the overall vision for the pattern and integration of land use within the Westland, Grey and Buller Districts.

The Strategic Directions are intended to demonstrate:

1. Commitment to, and articulation of the Councils' partnership with Poutini Ngāi Tahu;
2. Alignment with the communities' aspirations for development while maintaining **and enhancing** environmental quality across the West Coast/Te Tai o Poutini;
3. Integrated management through the grouping of environmental considerations which combine to achieve strategic outcomes; and avoiding strategic objectives becoming isolated within various chapters of Te Tai o Poutini Plan;
4. ~~Fostering~~ **Enabling** the use and development of natural and physical resources whilst protecting the natural, **cultural and heritage** values that have been elevated to matters of national importance by the Resource Management Act 1991 and those matters of national and regional significance by National and Regional Policy Statements;

5. A prosperous, **and sustainable** economy through enabling a wide range of appropriate business activities.
6. Operation and maintenance of ~~critical infrastructure~~ **regionally significant infrastructure**;
7. The management of urban growth integrating existing and future infrastructure, providing sufficient land, or opportunity to meet growth demands for housing and business.

**8. Resilience to climate change and natural hazards.**

For the purposes of preparing, changing, interpreting, and implementing Te Tai o Poutini Plan, **the relevant objectives and policies of the District Plan (including strategic objectives and policies in this chapter) are to be considered together and no hierarchy exists between them.** ~~all other objectives and policies in all other chapters of this Plan are to be read and achieved in a manner consistent with these Strategic Directions~~

For the avoidance of doubt, for resource consent applications, the Strategic Objectives **and Policies** may require specific consideration and application to proposals, as a relevant consideration under section 104(1)(b)(vi) of the RMA.

There is no hierarchy between the stated Objectives i.e., no one Strategic Objective has primacy over another Strategic Objective and the Strategic Objectives should be read as a whole. ~~It should be noted that with the exception of the Poutini Ngāi Tahu strategic directions, these are objectives only. In the case of Poutini Ngāi Tahu there are also strategic policies that sit across the Plan.~~

Activity and location specific objectives and policies are located in the relevant chapter of Te Tai o Poutini Plan. The planning standards require that 'like' matters are grouped together in a chapter with the relevant objectives.

**AG Agriculture – Te Ahuwhenua LBPP – Land Based Primary Production - Te Whakanao Mātāmua i te Whenua**

This Chapter sets out the overarching direction for matters relating to agriculture **land based primary production** across the West Coast/Te Tai o Poutini.

~~Agriculture~~ **Land Based Primary Production** Strategic Objectives

**AGLBPP - O1**

To maintain the productive value of ~~versatile soils~~ **highly productive land** and agricultural land for current and future agricultural, **pastoral** and horticultural uses.

**AGLBPP - O2**

To recognise the significance of agriculture to the West Coast economy; and provide for agricultural **land based primary production**, development and innovation. ~~and~~

**LBPP – O3**

**Enable support industries and services needed to maintain land based primary productions viability within rural areas.**

~~For the purposes of preparing, changing, interpreting and implementing Te Tai o Poutini Plan all other objectives and policies in all other chapters of Te Tai o Poutini Plan are to be read and achieved in a manner consistent with these strategic objectives.~~

~~CR — Connections and Resilience — Ngā Hononga me te Manawa Titi~~

~~This Chapter sets out the overarching direction for matters relating to infrastructure connections and resilience across the West Coast/Tai o Poutini.~~

~~Connections and Resilience Strategic Objectives~~

~~CR – O1 To build greater resilience in West Coast/Te Tai o Poutini communities and infrastructure, recognising the effects of climate change and the need to adapt to the changes associated with those effects.~~

~~CR – O2 To enable and protect the continued function and resilience of critical infrastructure and connections and facilitate their quick recovery from adverse events.~~

~~CR – O3 To ensure that new locations for critical infrastructure and connections take account of the hazardscape and are built away from natural hazards.~~

~~CR – O4 To enable the development of greater infrastructure self-sufficiency and backup of critical infrastructure on the West Coast / Te Tai o Poutini.~~

**CCR Climate Change and Resilience – Te Āhuarangi Hurihuri me Te Manawaroa**

**This Chapter sets out the overarching direction for matters relating to climate change and resilience across the West Coast/Te Tai o Poutini.**

**Climate Change and Resilience Strategic Objectives**

**CCR – O1 There is resilience to natural hazards and adverse events in the West Coast/Te Tai o Poutini communities and infrastructure, which supports adaptation to the effects of climate change.**

**CCR – O2 Greenhouse gas emissions are reduced and opportunities to transition to a low carbon emission economy are provided, including as a result of new technology.**

**Climate Change and Resilience Strategic Policies**

**CCR - P1 Enable the continued functioning of regionally significant infrastructure and connections and facilitate their quick recovery from the adverse effects of natural hazard events, which may include relocation.**

**CCR – P2 Ensure that new locations for regionally significant infrastructure and connections are built away from natural hazards, unless there is a functional need or operational need to be in that location.**

**CCR – P3 Enable the development of greater infrastructure self-sufficiency and backup of regionally significant infrastructure on the West Coast/Te Tai o Poutini.**

**CCR – P4 Support communities to make good decisions around climate change exacerbated hazards by identifying and providing for relocation to safer locations.**

**CCR – P5 Support, at a local level, reduction in emissions of greenhouse gases, including through providing for low carbon transport options such as walking, cycling and electric vehicles.**

**CCR – P6 Provide for the development and expansion of renewable electricity generation and associated infrastructure at a range of scales across Te Tai o Poutini/the West Coast, to support emissions reductions and a low carbon future.**

**CCR – P7 Recognise the role of the natural environment and nature-based solutions in resilience to climate change.**

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Mineral Extraction – Te Tango Kohuke

This Chapter sets out the overarching direction for matters relating to mineral extraction across the West Coast/Te Tai o Poutini.

Mineral Extraction Strategic Objectives

MIN-O1 ~~To ensure provision for t~~The use and development of the West Coast/Te Tai o Poutini's mineral resources while also avoiding duplication of regulation across agencies. **managing adverse effects on the environment.**

**Mineral Extraction Strategic Policies**

MIN-O2P1 ~~To e~~ Enable mineral extraction and ancillary activities which support it, including specifically **through a** within the Buller Coalfield Zone, **and** Mineral Extraction Zone, and **provide for these activities in appropriate locations within the** Rural Zones and Open Space Zones.

MIN-O3P2 ~~To r~~ Recognise that mineral resources are widespread and **but** fixed in location throughout the West Coast/Te Tai o Poutini and that **extraction of them in a range of locations outside specified zones may be appropriate and provide economic and social benefits to the region and nationally**, provided adverse effects **can be appropriately** are managed ~~mineral extraction activities can be appropriate in a range of locations outside specified zones and precincts.~~

MIN-O4P3 ~~To e~~ Ensure that new subdivision, use and development does not compromise existing **lawfully established** mineral extraction activities, including through reverse sensitivity ~~to~~ effects, such as dust, noise and traffic generation.

MIN-O5P4 ~~To s~~ Support Poutini Ngāi Tahu to manage their pounamu and aotea stone resources through the use of Pounamu and Aotea Management Area Overlays.

MIN-O6P5 ~~To:~~

a. ~~—————~~ Avoid, remedy or mitigate the adverse effects of mineral extraction activities on the West Coast/Te Tai o Poutini's **environment**. ~~significant natural and cultural features, sites and heritage, and amenity values, including:~~

~~—————~~ i. ~~Poutini Ngāi Tahu, cultural resources and taonga including sites and areas of significant to Māori identified in Schedule Three;~~

~~—————~~ ii. ~~Areas of significant indigenous vegetation, significant indigenous fauna habitat and protected native fauna;~~

~~—————~~ iii. ~~Outstanding natural landscapes and features;~~

~~—————~~ iv. ~~Waterways and waterbodies; and~~

~~—————~~ v. ~~The coastal environment;~~

~~—————~~ vi. ~~The wellbeing of people and communities; and~~

~~b. Allow to allow adverse effects to be addressed by alternative mitigation measures such as offsetting and compensation.~~

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#### Natural Environment – Te Taiao

This Chapter sets out the overarching direction for matters relating to the natural environment across the West Coast/Tai o Poutini.

#### Natural Environment Strategic Objectives

NENV-O1 ~~To r~~ Recognise, and protect **and where necessary restore** the natural character, **outstanding** landscapes and features, **significant** ecosystems and indigenous biodiversity that contribute to the West Coast's character and identity ~~and Poutini Ngāi Tahu's cultural and spiritual values.~~

NENV-O2 ~~To ensure that t~~ The rights, interests, and values **and connections** of Poutini Ngāi Tahu to **the** natural environment ~~areas and features~~ are protected and provided for and ~~that~~ the ability to exercise kaitiakitanga and tino rangatiratanga is maintained and enhanced.

NENV-O4 ~~To clearly identify:~~

a. ~~Unique and important natural environment areas and features on the West Coast/ Te Tai o Poutini which must be protected; and~~

b. ~~Areas where subdivision, use and development to enable community economic, cultural, and social wellbeing can be sustainably managed.~~

#### Natural Environment Strategic Policies

**NENV-P1 Within significant and/or outstanding natural environment areas and features:**

**a. identify areas which must be protected from inappropriate subdivision use and development; and**

**b. identify areas where subdivision, use and development can be sustainably managed, using, where appropriate, the effects management hierarchy, to enable community, economic, cultural and social wellbeing.**

NENV-O2P2 ~~To~~ In relation to the natural environment recognise:

a. The substantial contribution to the protection of natural environment values that is made by the existence of public conservation land ~~in protecting significant areas, habitats and features;~~

b. The **functional or operational** need for **regionally significant** infrastructure to sometimes be located in significant **and/or outstanding natural environment areas and features;** ~~and~~

c. The need to support the ethic of stewardship **on private and public lands** ~~and to consider the positive effects of the conservation estate in achieving the requirements of the RMA;~~

**d. There are lawfully established activities located in significant natural environment areas; and**

**e. The need for weed and pest control to protect, maintain and enhance natural environment values.**

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Poutini Ngāi Tahu

....

POU-P4 Provide for papakāinga, marae and Māori ~~cultural~~ **purpose** activities to be established **on Poutini Ngāi Tahu land and** throughout the West Coast/Te Tai o Poutini settlements and on Poutini Ngāi Tahu land.

....

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Tourism – Te Tāpoi

This Chapter sets out the overarching direction for matters relating to tourism across the West Coast/Te Tai o Poutini.

Tourism Strategic Objectives

TRM-O1 ~~Tō~~ **Recognise** the significance of tourism to the West Coast/Te Tai o Poutini economy by providing for sustainable tourism development while managing the adverse effects on the environment, communities and infrastructure. This includes:

**Tourism Strategic Policies**

**TRM-P1 Support:**

1. ~~Supporting~~ the development of visitor facilities and accommodation within and near existing settlements and communities and on public conservation land where appropriate;
2. ~~Supporting~~ the development of cycling and walking connections between tourism sites;
3. ~~Supporting~~ Ngāti Waewae and Ngāti Māhaki ~~o~~ **Makaawhio** to exercise kaitiakitanga, and provide education about the cultural importance of maunga, other landforms, taonga and wāhi tapu to Poutini Ngāi Tahu and how to treat these areas with respect; ~~and~~
4. ~~Supporting~~ Poutini Ngāi Tahu in expansion of their tourism and visitor activities to deliver better economic outcomes for the hapū; **and**
5. **the strategic importance of Weheka/Fox Glacier, Waiiau/Franz Josef and Punakaiki Townships.**

**TRM-P2** Provide ~~ing~~ for the development, maintenance and upgrading of supporting infrastructure and ~~Ensuring~~ **ensure** that visitor facilities are connected to existing services and infrastructure.

**TRM-P3** Manage ~~ing~~ the development and expansion of visitor activities and services so that the natural and **Poutini Ngāi Tahu cultural values**, amenity and character of the West Coast/Te Tai o Poutini and its communities are maintained.

**TRM-P4** ~~Promoting~~ **Ensure** a sustainable approach to tourism and minimising the adverse effects, and in particular cumulative adverse effects, of visitor activities and services on Poutini Ngāi Tahu values and wāhi tapu, natural values, amenity and landscape.

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#### Urban Form and Development – Te āhua me te whanaketanga o te tāone

This Chapter sets out the overarching direction for matters relating to the urban form and development across the West Coast/Te Tai o Poutini.

#### Urban Form and Development Strategic Objective

~~UFD-O1 To have a~~ **Urban environments and built form are attractive to residents, businesses and visitors and support economic viability and function** on the West Coast Te Tai o Poutini.

#### **Urban Form and Development Strategic Policies**

##### **UFD-P1 Promote urban environments and built form through:**

~~1. Are attractive to residents, business and visitors;~~

a. **identifying and maintaining the values of areas of special character and amenity in urban areas and settlements;**

~~2. Have areas of special character and amenity value identified and their values maintained;~~

b. **supporting** the economic viability and function of **commercial, including** town centres, **and industrial areas and protect them from potential reverse sensitivity effects between incompatible activities;**

c. **supporting** inclusivity and housing choice for diversity in the community now and into the future;

**d. supporting low environmental impact practices, materials and design during urban development;**

e. **improving** overall accessibility and connectivity for people, transport (including walking and cycling), **education facilities** and services;

**f. the identification, recognition and protection of heritage resources which are significant to the character and identity of the West Coast/Te Tai o Poutini; and**

g. **maintaining** the health and wellbeing of waterbodies, freshwater ecosystems and receiving environments.

**UFD-P2** Recognise the risk of natural hazards ~~whereby to~~ new development **and where possible** located ~~it~~ **away from identified** hazardous locations.

**UFD-P3** Promote the re-use and re-development of buildings and land, including private and public land.

**UFD-P4** Promoting the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure and protection of critical infrastructure **regionally significant infrastructure from reverse sensitivity effects.**

**UFD-P5** **Recognising Poutini Ngāi Tahu values as part of the urban environment.**

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