

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

Hearing Dates: 16 and 17 July 2024

HEARING PANEL – SPECIAL PURPOSE ZONES

Sharon McGarry (Chair)

Paul Rogers

Maria Bartlett

SPECIAL PURPOSE ZONES, INCLUDING SKYLINE ENTERPRISES LIMITED SUBMISSIONS – HEARD AT THE FRANZ JOSEF HEARING – PART 1

Hearing Dates: 8 and 9 October 2024

Dean Chrystal (Chair)

Anton Becker

Sharon McGarry

Paul Rogers

Maria Bartlett

CONTENTS

PART A – INTRODUCTORY MATTERS 3

1. Preliminary Matters	3
1.1. Introduction	3
1.2. Terminology in this Report	5
1.3. Hearing Arrangements	6
1.4. Appearances	6
1.5. Overview of submitter technical report received	7
1.6. Right of Reply	9
1.7. Procedural Steps and Issues	9
1.8. Site Visits	10

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS 11

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS 13

2. SPECIAL PURPOSE ZONES	13
2.1. Airport Zone - Te Takiwā Taunga Rererangi	13
2.2. Future Urban Zone - Te Takiwā Tāone mō Raurangi	37
2.3. Hospital Zone – Takiwā Hōhipera	68
2.4. MĀORI Purpose Zone	87
2.5. Port Zone – TAKIWĀ HŌHIPERA	120
2.6. Stadium Zone - Te Takiwā Hākinakina	140
2.7. Scenic Visitor Zone – TE TAKIWĀ MANUHURU TIROTIRO TAIAO	148
2.8. Submissions Across All Special Purpose Zones (excluding Skyline Enterprises Ltd)	148
2.9. Franz Josef Area – Submission of Skyline Enterprises (Submitter 250)	167
2.10. Franz Josef Area – Submission of Gavin Molloy (Submitter 485)	179
2.11. Franz Josef Area – Totally Tourism Limited (Submitter 449)	181
2.12. Franz Josef Area - Submissions of Scenic Hotel Group (Submitter 483)	182
2.13. Franz Josef Area - Submissions of West Coast Wildlife Centre–Teewah Holdings Ltd (Submitter 1) 20186	
2.14. Submissions of Freehold Property Investments (Submitter 73)	203

APPENDICES

Appendix 1 – Recommendations

PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to 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 Special Purpose Zones (**SPZ**) - Ngā Takiwa mō Kaupapa kē sections of the pTTPP, excluding the Mineral Extraction Zone (**MINZ**) and Buller Coalfield Zone (**BCZ**).
3. The Report contains the Hearing Panel’s evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on these sections of Part 3 of the Plan.
4. The Section 32 Report¹ provides an evaluation of the Special Purpose Zones and how they are managed through the combined Plan, including the regulatory framework key resource management issues, the evidence and research basis, including the consultation, information and analysis undertaken and evaluation of the options.
5. The Section 42A Officer’s Report² (‘s42A Report’), authored by Ms Lois Easton, a planner with Kererū Consultants, acting as the Reporting Officer, was circulated before the hearing.
6. The s42A Report provided an analysis of submissions and further submissions received. It made recommendations on changes to the notified plan provisions (the changes were included in Appendix 1 and the recommendation on all submissions and further submissions as to either ‘accepted’, ‘accepted in part’ or ‘rejected’ in Appendix 2).
7. Ms Easton subsequently provided an Addendum s42A Report³ which responded to key matters raised by the Hearings Panel.
8. The s42A Report assessed a total of 680 submissions points and 61 further submissions points were received on the Special Purpose Zones chapter, associated zoning maps and relevant definitions. It provided summaries of all the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions; and recommendations on changes to the plan provisions (see Appendix 1 of s42A Report) and the accept/accept in part/reject recommendations for individual submission and further submission points (see Appendix 2 of the s42A Report).
9. The matters raised by submitters were grouped in the s42A Report in relation to each of the following key issues:
 - General;
 - Overview;

¹ Te Tai o Poutini Plan – Section 32 Evaluation Report 13 Special Purpose Zones - Ngā Takiwā mō Kaupapa kē

² Section 42A Report on Residential Zones

³ s42A Right of Reply on Residential and Special Purpose Zones

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

- Objectives;
 - Policies; (excluding PA)
 - Rules (excluding PA); and
 - Standards (Sub only).
10. The s42A Report notes that because of the minor nature of the changes and the intention for them to correct errors or improve the readability of the TTPP, further evaluation under s32AA was not required.
11. This Recommendation Report follows this same structure of the s42A Report. It provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer's reply evidence, before providing our evaluation and recommendation.
12. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the decision and records all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~striketrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan shown in Appendix 1 of this Report must prevail.
13. This Recommendation Report contains the reasons for the Panel's recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer's reply evidence (Councils' right of reply post hearing adjournment), or a specific reasoning by the Panel.
14. Where the Panel recommends the TTPP provisions should remain as notified, it is because:
- (a) The Panel has adopted the reasoning and recommendation of the s42A Report 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.
15. Where there is a recommended change to a notified provision of the TTPP, it is because:
- (a) The Panel has recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or
 - (b) The Panel adopted the reasoning and recommendation of the s42A Report to change the provision to that recommended in the original s42A Report; or
 - (c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer's reply evidence; or

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

- (d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).
16. Where there may be a different recommendation between the s42A Report and the Reporting Officer's 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.
17. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission to give effect to the RMA, NZCPS, national policy statements and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.
18. 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.
19. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel's recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any minor amendments.

1.2. Terminology in this Report

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

BDC	Buller District Council
Councils	Buller District Council, Grey District Council, and Westland District Council
DOC	Department of Conservation
Director General	Director General of Conservation
FENZ	Fire and Emergency New Zealand
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
KiwiRail	KiwiRail Holdings Limited
MOE	Ministry of Education Te Tāhuhu o Te Mātauranga
NPS	National Policy Statement

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
Planning Standards	National Planning Standards
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
SASM	Sites and Areas of Significance to Māori
SEL	Skyline Enterprises Limited
SNA	Significant Natural Area
Te Mana Ora	Te Mana Ora (Community and Public Health) of the NPHS/Te Whatu Ora
Transpower	Transpower New Zealand Limited
Waka Kotahi NZTA	NZ Transport Agency Waka Kotahi
WDC	Westland District Council
WCRC	West Coast Regional Council

1.3. Hearing Arrangements

21. The hearing for the Specific Purpose Zone, excluding the Franz Josef Area, was held at the West Coast Regional Council offices in Paroa on 16-17 July 2024. Some submitters appeared by internet connection.
22. The Franz Josef Special Purpose Zone and Settlement Zone hearing was held at the St John Training Room, 97 Cron Street, Franz Josef on 8 October 2024. Some submitters appeared by internet connection.
23. At both hearings, Ms Easton tabled a Planning Summary Statement to her s42A Report.
24. At the conclusion of the hearings, the Hearing Panel requested that Ms Easton respond to several questions that arose during the hearing. These are dealt with in Ms Easton's Right of Reply.

1.4. Appearances

25. The following submitters appeared at the Specific Purpose Zone hearing, excluding the Franz Josef area hearing:

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

The O'Connor Institute Trust Board

- Mr Mark Lile, Planner (online)

Te Tumu Paeroa for the Māori Trustee

Ball Developments Limited and Davis Oglivie and Partners Limited

- Ms Pauline Hadfield, Planner

Mr Laurence McGuire and Mr Tom Overton for Haast Airfield

- Peter Ibbotson, Acoustician Marshall Day
- Stephanie King, Acoustician Marshall Day

New Zealand Heavy Haulage Association Incorporated

- Mr Jonathan Bhana-Thompson, Planner (online)

Buller District Council

- Mr Craig Barr, Planner
- Ms Rebecca Inwood, Planner
- Mr Nathan Riley, Regulatory Manager BDC

26. The following submitters appeared at the Franz Josef Area hearing.

Skyline Enterprises Limited (SEL)

- Mr Geoff McDonald, SEL
- Ms Rosie Hill and Mr Graeme Todd, Counsel
- Mr Paul Faulkner, Geotechnical (online)
- Mr Rob Greenaway, Recreation and Tourism (online)
- Mr Fraser Colegrave, Economist (online)
- Dr Andrew Wells, Ecologist
- Ms Nikki Smetham, Landscape Architect
- Mr Sean Dent, Planner

Scenic Hotel Group

- Ms Melanie Foote (online)

Freehold Properties Limited

- Mr Richard Innes (online)

Mr Neil Mouat, for himself

1.5. Overview of submitter technical report received

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

27. A Memorandum of Counsel from Mr Todd and Ms Hill on behalf of Skyline Enterprises Limited (**SEL**) in relation to hearing procedures and timetabling (dated 6 June 2024).
28. A synopsis of legal submissions was received from Mr Todd and Ms Hill on behalf of SEL (dated 23 September 2024).
29. A technical report from Marshall Day Acoustics, Acoustic Engineers engaged by McGuires Ltd (dated 14 May 2024) was received in relation to including the Haast Airport in the Airport Zone.
30. For those appearing at the hearing, the following evidence and/or statements were received:
 - (a) Mr Lile, planning, on behalf of the O’Conor Institute Board;
 - (b) Ms Hadfield, planning, on behalf of Ball Developments Limited and Davis Ogilvie and Partners Limited (dated 17 June 2024) and summary statements (dated 16 July 2024 and 17 July 2024);
 - (c) Mr Bhana-Thomson, planning, on behalf of the House Movers Section of the New Zealand Heavy Haulage Association Incorporated;
 - (d) Mr Barr, planning, on behalf of BDC (dated 17 June 2024) and summary statement (dated 17 July 2024);
 - (e) Mr McDonald, SEL representative, on behalf of SEL;
 - (f) Mr Faulkner, geotechnical, on behalf of SEL;
 - (g) Mr Greenaway, recreation and tourism, on behalf of SEL;
 - (h) Mr Colegrave, economics, on behalf of SEL;
 - (i) Dr Wells, ecology, on behalf of SEL;
 - (j) Ms Smetham, landscape, on behalf of SEL;
 - (k) Mr Dent, planning, on behalf of SEL; and
 - (l) Ms Foote, planning, on behalf of Scenic Hotel Group.
31. Following the receipt of the s42A Report on the Special Purpose Zone (excluding Franz Josef), the following submitter correspondence was received:
 - (a) Statement from the Aircraft Owners and Pilots Association NZ (dated 10 May 2024) in support of the ‘Haast Airfield Rezoning Submission’;
 - (b) KiwiRail letter (dated 17 June 2024) advising that it did not wish to be heard at the hearing and requested that the correspondence be tabled as a record of KiwiRail’s position on safety setbacks from the rail corridor in the Residential Zone;
 - (c) Hearing Notes from Ms Inta for herself and on behalf of the Buller Conservation Group (dated 4 July 2024);
 - (d) Joint Statement of Position from Te Rūnanga o Ngāi Tahu and Te Tumu Paeroa (dated 15 July 2024);

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

- (e) Fire and Emergency NZ letter (dated 5 July 2024) advising that there was generally a high degree of support from the Reporting Officer for its submission points and it would not be attending the hearing. They requested the letter be tabled at the hearing.
 - (f) Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu ('Poutini Ngāi Tahu') letter from Ms Susan Aitken, Consultant Planner for Poutini Environmental (dated 15 July 2024);
 - (g) Letter from Scenic Hotel Group (dated 22 August 2024);
 - (h) Memorandum from Mr Sam Flewellen on behalf of Scenic Hotel Group (dated 23 August 2024); and
 - (i) Memorandum of Counsel on behalf of SEL seeking leave for persons presenting evidence to appear by AVL (11 September 2024).
32. In preparation for the hearing at Franz Josef on 8 and 9 October 2024, legal counsel for SEL advised (email on 30 September 2024) that Mr McDonald would not be attending the hearing. The Panel agreed to a process of written questions in relation to Mr McDonald's evidence.
33. Following the hearing, the Panel issued Minute 34 (dated 22 July 2024) providing direction around the provision of further information from several submitters by 16 August 2024. The following further information received:
- (a) Memorandum of Counsel on behalf of Scenic Hotel Group on the matter of 'Scope' (8 November 2024).
 - (b) Memorandum from Ms Foote on behalf of Scenic Hotel Group (8 November 2024).

1.6. Right of Reply

34. Ms Easton provided a written Right of Reply (dated 23 August 2024) in relation to SPZ (excluding the Franz Josef Area), addressing questions that arose from the Panel during the hearing, including an updated Appendix 1 showing tracked changes to the notified provisions (as Attachment 1).
35. A joint Right of Reply from Ms Easton and Ms Belgrave (Reporting Officers) was received on 7 October 2024 in relation to setback requirements for the railway corridor, which apply to several different zones, including the SPZ.
36. Ms Easton provided a written Right of Reply (dated 14 October 2024) in relation to the Franz Josef Area (Part 1), addressing questions that arose from the Panel during the hearing. The Reply included recommended amendments to the definition of '*Recreation Activity*'.
37. Ms Easton provided a written Right of Reply (dated 10 December 2024) in relation to the Franz Josef Area (Part 2), addressing questions that arose from the Panel during the hearing. The Reply included further recommended amendments to the Plan.

1.7. Procedural Steps and Issues

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

38. The Panel notes that Commissioner Chrystal took no part in recommendations relating to Scenic Hotel Group. No other procedural issues arose from this hearing.

1.8. Site Visits

39. Site visits were undertaken as follows:

Franz Josef Scenic Visitor Zone including Scenic Hotel Group properties and West Coast Wildlife Centre, Donovan Drive, Glacier Lookout Carpark-Gondola Proposal site, and the Airport Zone helicopter area.

Punakaiki Scenic Visitor Zone

Fox Glacier Scenic Visitor Zone, including Scenic Hotel Group properties at Pekenga Drive

Haast Airfield

Jackson Bay Port area

Hokitika Airport Zone

Karamea Airfield

Greymouth Port Zone

Arahura Marae Māori Purpose Zone

Haast Highway Māori Purpose Zones

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

40. Special Purpose Zones - Ngā Takiwa mō Kaupapa kē is one of six zone based sections located in Part 3 – Area Specific Matters – Te Wāhanga 3 – Ngā Take a la Rohe. The Special Purpose Zones section has separate objectives, policies and rules that apply to each of the SPZ.
41. The Section 32 Report outlines the relevant statutory considerations applicable to the SPZ and the relationships between the sections of the RMA and higher order documents.
42. The Section 32 and section 42A Reports also highlight the relevant matters from section 6, 7 and 8 of the RMA, the New Zealand Coastal Policy Statement (**NZCPS**), any relevant National Policy Statement including the National Environmental Standard for Assessing and Managing Contaminated Soil to Protect Human Health (**NPS-CS**), the West Coast Regional Policy Statement (**RPS**), Regional Plans, District Plans of adjacent territorial authorities, iwi management plans and the National Planning Standards.
43. Clause 10 of the First Schedule states that it is not necessary to provide decisions on individual submissions. Recommendations of the Panel are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in reasons for recommendation.
44. The National Planning Standards Mandatory Directions ('Planning Standards') Clause 8.1 requires only zones listed within Table 13 of the Planning Standards to be used, except for Special Purpose Zones, or in the case of a combined regional and district plan, a zone that is both seaward and landward of mean high-water springs. The Planning Standards⁴ direct that the district plan must only contain the zones listed where they are consistent with the following descriptions:
 - **Airport Zone:** Areas used predominantly for the operation and development of airports and other aerodromes, as well as operational areas and facilities, administrative, commercial and other industrial activities associated with airports and other aerodromes.
 - **Hospital Zone** Areas used predominantly for the operation and development of locally or regionally important medical, surgical or psychiatric care facilities, as well as other health care services and facilities, administrative and commercial activities associated with these facilities.
 - **Stadium Zone:** Areas used predominantly for the operation and development of large-scale sports and recreation facilities, buildings, and structures. It may accommodate a range of large-scale sports, leisure, entertainment, art, recreation, and/or event and cultural activities.
 - **Port Zone:** Areas used predominantly for the operation and development of ports, as well as operational areas and facilities, administrative, commercial and industrial activities associated with ports.
 - **Māori Purpose Zone:** Areas used predominantly for a range of activities that specifically meet Māori cultural needs including but not limited to residential and commercial activities.

⁴ Section 8: Zone Framework Standard, Discretionary Direction 5

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

- Future Urban Zone: Areas suitable for urbanisation in the future and for activities that are compatible with and do not compromise potential future urban use.
45. The Planning Standards state⁵ that an additional special purpose zone must only be created when the proposed land use activities or anticipated environment outcomes of the additional zone meet all the following criteria:
- (a) Are significant to the district, region or country;
 - (b) Are impractical to be managed through another zone; and
 - (c) Are impractical to be managed through a combination of spatial layers.
46. In deciding to include the Scenic Visitor Zone (**SVZ**), the TTPP Committee determined that these criteria were met.
47. Decisions on the MINZ and BCZ, which are separate SPZ, are contained within the Recommendation Report for Mineral Extraction.
48. The Panel is satisfied that the Plan structure is consistent with this national direction.

⁵ Section 8: Zone Framework Standard, Mandatory Direction 3

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. SPECIAL PURPOSE ZONES

2.1. AIRPZ - Airport Zone - Te Takiwā Taunga Rererangi

Submissions and Further Submissions

49. Nine submission points and one further submission point were received on the Airport Zone as a whole, including zoned land, boundaries and noise contours. These were summarised in a Table on page 12 of the s42A Report. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.
50. Forest and Bird (S560.391, S560.0541) requested clarification on the treatment of vegetation clearance in the district-wide chapters. Specifically, they sought to ensure that a consistent “*Other relevant Te Tai o Poutini Plan provisions*” section was included within the overview, encompassing all relevant chapters with an explanatory note. They seek that all Natural Environment Chapters and District-Wide Chapters be included in this section.

Section 42A Report

51. Ms Easton acknowledged the general support from several submitters, including Totally Tourism Limited for the zoned Franz Josef Heliport and definition of “*airport activities*” (S449.003 and S449.001), Te Mana Ora for the role of airports and helipads in community connection and resilience (S190.1060), BDC (S538.580) for retention of the Airport Zone Chapter; and support from WDC (S181.047) supporting the objectives and policies.
52. GDC (S608.121) sought all references to “*Site or Area of Significance to Māori*” be removed from this Chapter. Ms Easton did not support this submission for the reasons discussed in the substantive matter in the s42A Report for Sites and Areas of Significance to Māori (**SASM**) and she recommended rejecting this submission. GDC’s submission was opposed by Poutini Ngāi Tahu (FS41.034) in further submissions, which Ms Easton recommended accepting.
53. Ms Easton supported the inclusion of the more standardised and expanded “*Other relevant Te Tai o Poutini Plan provisions*” section in the Overview, as sought by Forest and Bird, and she considered this was consistent with recommendations on other chapters in the Plan.
54. Totally Tourism Limited (S449.004) sought that the Airport Noise Boundary at Franz Josef be amended to reflect the maximum air movements from either 2018 or 2019, if these were greater than those in 2017. Ms Easton supported this submission as she noted that the intention was that the contours reflect pre-COVID-19 peak use but do not provide for further expansion of heliport use beyond this peak.
55. Two submitters (S504.011 and S505.011) sought to have the airport noise contours removed from their property and other properties in the same situation. Ms Easton did not support the requested change given that the purpose of the contours was to help protect the ongoing use of the airports, which were considered critical infrastructure. She also noted that the noise contours did not impact existing uses but that new development

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

would require sufficient acoustic insulation to ensure that people were comfortable and have a good degree of noise amenity in their homes.

56. In response to questions regarding the definition of '*regionally significant infrastructure*', Ms Easton recommended that Haast Airfield and Karamea Aerodrome be added but not the Franz Josef Heliport.

Hearing and Submitter Evidence/Statements

57. Mr Jonathan Bhana-Thomson, for the New Zealand Heavy Haulage Association, reiterated the submitters request for recognition in the Airport Zone that relocated buildings for non-residential purposes could occur.
58. Poutini Ngāi Tahu provided a hearing statement opposing the submission point of GDC (S608.121).

Reporting Officer Reply Evidence

59. No specific points were made in the Reply Evidence regarding the Airport Zone as a whole, with matters to do with zoning and noise contours discussed later in this Report.

Hearing Panel's Evaluation

60. The Panel accepts Ms Easton's recommendation to accept the Forest and Bird submission and recommends amendments to the Overview to standardise cross-referencing to other chapters of the Plan.
61. The Panel accepts the reasoning set out in the s42A Report and agrees with Ms Easton's recommendation that no other changes to the notified version are required to the Airport Zone Chapter in response to submissions on the whole chapter. However, we note that a consequential amendment to accepting the submission point from Laurence McGuire (S458.001) to include '*Haast Airfield*' in the Overview is required. The Panel acknowledges the Franz Josef Heliport, Haast Airfield and Karamea Aerodrome are not included within the definition of '*regionally significant infrastructure*', while Westport and Hokitika are included, and therefore the Panel are satisfied that the term "*critical infrastructure*" should remain in the Overview in this context.
62. In considering the recommended addition of Haast Airfield to the Airport Zone Overview, the Panel notes the Plan definition for '*Airport Activities*' also needs a consequential amendment to include the Haast Airfield. Our recommended consequential amendment to the definition is also included below.
63. The Panel note the provisions do not use consistent terms throughout the provisions. We consider the provisions should use '*airports, airfields, aerodromes and heliports*' to reflect the names of the existing airport zone facilities, where appropriate. We have made these consistency changes to the terms used in the provisions where necessary and to reflect the addition of the Haast Airfield.

Hearing Panel's Recommendation

64. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below

are accepted or accepted in part, and recommend that the following changes to the **Airport Zone Overview**:

AIRPZ Airport Zone – Te Takiwā Taunga Rererangi

Overview

The Hokitika and Westport Airports, Greymouth and Karamea Aerodromes, ~~and~~ Franz Josef Heliport **and Haast Airfield**⁶ are major strategic infrastructure assets and facilities for the West Coast/Te Tai o Poutini. Hokitika and Westport Airports are key entry points along with Greymouth and Karamea Aerodromes, **and** Franz Josef Heliport **and Haast Airfield**⁷ play a significant role in facilitating access, trade, tourism and economic activity locally, regionally and nationally.

These facilities contain critical infrastructure assets such as runways, aprons, aircraft hangers and carparking areas. They contain operations including Air Ambulance services, refuelling services and navigational aids. They also have areas of land and buildings to serve commercial tenants. All of these facilities are included within the AIRPZ - Airport Zone. The purpose of the zone is to enable the efficient operation and development of the airports and associated land and facilities.

Other relevant Te Tai o Poutini Plan provisions

There are two key overlays which affect the Airport Zones - the Airport Approach Path Overlay which applies to the flight paths into the airports and the runways themselves, and the Airport Noise Contour Overlay.

These overlays can be viewed on the planning maps.

Rules in relation to the Airport Approach Path Overlay as it relates to areas outside of the AIRPZ - Airport Zone can be found in the Zone Chapters.

The Rules in relation to the Airport Noise Contour Overlays can be found in the NOISE Chapter at Rule NOISE - R107.

It is important to note that in addition to the provisions in this Chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for Airport Zone activities, including:

- **Sites and Areas of Significance to Māori Chapter - there may be sites and areas of significance to Māori, identified at individual sites within the Airport Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori Chapter.**
- **Natural Hazards - natural hazards are widespread on the West Coast and in some locations natural hazard overlays may affect areas in the Airport Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.**
- **Natural Character and Margins of Waterbodies - in some locations areas of Airport Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.**
- **Coastal Environment - in some locations areas of Airport Zone may be within the Coastal Environment. The Coastal Environment Chapter contains provisions on how these areas must be managed.**

⁶ Consequential amendment Laurence McGuire S458.001

⁷ Consequential amendment Laurence McGuire S458.001

- **Ecosystems and Indigenous Biodiversity – the Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Airport Zone.**⁸

65. For the reasons outlined above, we recommended consequential amendment to the definition of 'Airport Activities' as follows:

AIRPORT ACTIVITIES

means the use of land and/or buildings where the principal activities relate to the function and operation of the Karamea or Greymouth Aerodrome, Westport or Hokitika Airport, **Haast Airfield**⁹ or Franz Josef Heliport. These include, but are not limited to:

- a. Aircraft operations, including landing, taxiing and take off;
- b. Airport operations, including freight, luggage and passenger facilities;
- c. Airport navigational, control and safety equipment;
- d. Aviation, educational and training and recreational facilities and activities;
- e. Maintenance and servicing of aircraft;
- f. Fuel installations and fuel servicing facilities;
- g. Warehousing and storage;
- h. Catering and preparation of food;
- i. Access roads, car parking, walkways and cycleways;
- j. Emergency services.

They may include ancillary activities such as the sale of food and beverages which are ancillary to the principal activity.

AIRPZ - Airport Zone Objectives

Submissions and Further Submissions

66. Ten submission points and one further submission point relating to the Airport Zone Objectives (as a whole) were summarised in a Table on page 14 of the s42A Report. Nine submission points sought to retain the four objectives as notified and one sought a new objective.

Section 42A Report

67. Ms Easton acknowledged the support from the submitters for the objectives as notified. She did not support GDC (S608.122) request to insert an additional objective to support the use of Greymouth's Aerodrome as an outdoor entertainment facility; and recommended rejecting this submission and the supporting further submission by PE Property Trust (FS88.2). She considered a separate objective was not necessary to provide for the use of the aerodrome for temporary activities because this was captured by the outcomes anticipated in Objective AIRPZ-O1.

⁸ Royal Forest Bird Protection Society Incorporated S560.391 and S560.0541

⁹ Consequential amendment Laurence McGuire S458.001

Hearing and Submitter Evidence/Statements

68. No evidence was presented at the hearing in relation to the submission points on the Airport Zone objectives.

Reporting Officer Reply Evidence

69. No specific points were made in the Reply Evidence regarding the Airport Zone objectives.

Hearing Panel's Evaluation

70. The Panel accepts the reasoning set out in the s42A Report and agrees with Ms Easton's recommendation that no changes are required to the notified Airport Objectives, apart from a consequential change to AIRPZ-02 arising from Ms Easton's recommendation to accept the submission from Laurence McGuire (S458.001) to include Haast Airfield within the Airport Zone Chapter provisions. We discuss this submission in detail in relation to the Airport Zone rules below. Amendments are also made to ensure consistent reference to the full range of airports, airfields, aerodromes and heliports included in the zone.
71. The Panel have considered whether "*critical infrastructure*" needs to be changed to "*regionally significant infrastructure*" in the objective AIRPZ-O1, but the Greymouth Aerodrome is not included in the definition of "*regionally significant infrastructure*" so our recommendation is to not make consequential changes in this context. We were not given evidence in support of including Greymouth Aerodrome in the definition of "*regionally significant infrastructure*". The notified definition of "*critical infrastructure*" only included "*airports*" (e.g. Westport and Hokitika) as opposed to "*airfields, aerodromes and heliports*".

Hearing Panel's Recommendation

72. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend the following amendments are made to the **Airport Objectives**:

AIRPZ - O1
To support the continued operation, maintenance and upgrading of the Hokitika and Westport Airports, Greymouth Aerodrome as critical infrastructure and recognising the contribution they make to the economic and social wellbeing and health of communities of the West Coast/Te Tai o Poutini.
AIRPZ - O2
To ensure that Franz Josef (Glacier Country) Heliport, and Karamea Aerodrome <u>and Haast Airfield</u> ¹⁰ continue to operate as significant tourism and industry infrastructure.
AIRPZ - O3

¹⁰ Laurence McGuire S458.001

To manage the potential reverse sensitivity effects on the airports, **airfields, aerodromes**¹¹ and heliports in the AIRPZ - Airport Zone by providing noise contours and requirements for mitigation of these effects during subdivision and development.

AIRPZ - O4

To ensure that the airports, **airfields, aerodromes and heliports** and related activities within the AIRPZ - Airport Zone maintain an acceptable level of noise amenity that recognises their inherent function, alongside the need for general amenity, for those using the **airports, airfields, aerodromes and heliports**¹² and living adjacent to them.

AIRPZ - Airport Zone Policies

Submissions and Further Submissions

73. Twenty-two submission points and one further submission point relating to the Airport Zone Policies (as a whole) were summarised in a Table on pages 15-17 of the s42A Report.
74. One submission point sought a new policy to support the temporary use of the Greymouth Aerodrome as an outdoor entertainment facility.
75. Two submission points were made by the same submitters in support of policies **AIRPZ-P1, AIRPZ-P2, AIRPZ-P3** and **AIRPZ-P4**. The submission points sought to retain the policies as notified.
76. One submission point was made in relation to Policy **AIRPZ-P5**, which sought to retain the policy as notified. A further submission point was made in support of this.
77. One submission point was made in relation to Policy **AIRPZ-P6**, which sought to retain the policy as notified.
78. Two submission points relating to Policy **AIRPZ-P7** were summarised in a Table on page 16 of the s42A Report. One submission point supported the retention of the policy as notified and one sought amendment.
79. Two submission points were made in support of each of the policies **AIRPZ-P8, AIRPZ-P9, and AIRPZ-P10** and sought to retain the policies as notified.
80. Three submission points relating to Policy **AIRPZ-P11** were summarised in a Table on pages 16-17 of the s42A Report. Two submission points supported the retention of the policy as notified, and one sought amendment.
81. The Panel has considered all the relevant submissions and adopts the summaries in the s42A Report.

Section 42A Report

¹¹ RMA First Schedule Clause 16(2)

¹² RMA First Schedule Clause 16(2)

82. Ms Easton acknowledged the support from the submitters who supported the majority of the policies as notified. However, she acknowledged her recommended amendments in response to other submissions on policies **AIRPZ-P7** and **AIRPZ-P11**.
83. Ms Easton supported GDC's (S608.123) request for an additional policy to provide for the temporary use of Greymouth's aerodrome as an outdoor entertainment facility and recommended the following wording:

AIRPZ-P12

To allow the use of the Greymouth Aerodrome as an outdoor events and entertainment, where this will not compromise its primary use as an aerodrome.

84. Ms Easton supported the request of Poutini Ngāi Tahu (S620.251) to split clause (c) of Policy **AIRPZ-P7** into two clauses to improve clarity.
85. Ms Easton recommended that **AIRPZ-P7** be amended as follows:

AIRPZ-P7

To allow for the future expansion of the Hokitika and Westport Airports aviation activities including a lengthened runway, aircraft hangers and expanded terminal whilst:

- a. Minimising effects on amenity values and traffic effects on the land transport network;*
- b. Ensuring noise and light emissions remain at an acceptable level, particularly in relation to sensitive activities; ~~and~~*
- c. Recognising natural features and landforms, waterbodies, coastal environment, indigenous vegetation, historic heritage, sites and areas of significance to Poutini Ngāi Tahu, archaeological sites or scheduled features; **and***
- ~~d. including by~~ using best practice industry requirements and technology to ensure efficient use of land and to reduce effects.*

86. Ms Easton supported the Poutini Ngāi Tahu request (S620.410) to add 'artificial' before 'open water' in Policy **AIRPZ-P11** to avoid restricting the restoration of natural water bodies. She considered it was important to recognise the requirements of other national directions such as the NPSFM and NPSIB, which seek to restore water quality and biodiversity values where they are degraded. She noted that, provided safety was not affected, restoration of natural waterbodies around airports should be encouraged.
87. Ms Easton recommended that Policy **AIRPZ-P11** be amended as follows:

AIRPZ-P11

*To minimise the development or location of large **artificial** areas of open water, or other land disturbance which could act as a significant bird attractant near to the airports and heliports in the AIRPZ - Airport Zone.*

Hearing and Submitter Evidence/Statements

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

89. The Poutini Ngāi Tahu hearing statement included commentary supporting several of the policies.

Reporting Officer Reply Evidence

90. No specific points were made in the Reply Evidence regarding the Airport Zone policies.

Hearing Panel's Evaluation

91. The Panel accepts Ms Easton's recommendation to amend policies AIRPZ-P7 and AIRPZ-P11; add a new policy to allow the use of the Greymouth Aerodrome for outdoor events and entertainment where this will not compromise its primary use as an aerodrome; and to retain all other AIRPZ Policies as notified. However, we consider 'airports' should be replaced with 'AIRPZ – Airport Zone' in AIRPZ-P6(d) to improve clarity. We have also corrected the recommended wording in new Policy AIRPZ-12 from 'as an outdoor events and entertainment' to 'for outdoor events and entertainment', and consequential amendments to use the full range of terms describing areas in the zone, to reflect changes at the objective level.

Hearing Panel's Recommendation

92. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes are made to the **Airport Zone policies**:

AIRPZ – P1
Enable the efficient operation, use and development of the West Coast/Te Tai o Poutini public airports, airfields, aerodromes ¹³ and heliports by providing for aviation activities and associated infrastructure necessary for them to operate in a safe and efficient manner.
AIRPZ – P2
Ensure that aircraft takeoff and landing, and safe airport, airfield, aerodrome ¹⁴ and heliport function is not affected by the intrusion of vegetation and into approach paths within the Airport Approach Path Overlay.
AIRPZ – P3
Manage adverse effects on amenity values arising from the on-going development, use and maintenance of the airports, airfields, aerodromes and heliports ¹⁵ in the AIRPZ - Airport Zone.
AIRPZ – P4
Ensure that the noise associated with the operation of the airports, airfields, aerodromes ¹⁶ and heliports within the AIRPZ - Airport Zone does not exceed nationally accepted standards, and that any new noise sensitive activities provide adequate acoustic management.
AIRPZ – P5

¹³ RMA First Schedule Clause 16(2)

¹⁴ RMA First Schedule Clause 16(2)

¹⁵ RMA First Schedule Clause 16(2)

¹⁶ RMA First Schedule Clause 16(2)

Avoid the location of noise sensitive activities close to the airports, **airfields, aerodromes**¹⁷ and heliports in the AIRPZ - Airport Zone that have the potential to result in reverse sensitivity effects.

AIRPZ – P6

To provide for development on AIRPZ - Airport Zone land that allows for a range of commercial and industrial activity, where such activities would not:

- a. Constrain airport/aviation operations;
- b. Result in significant adverse effects on urban form, including on the role, function, viability and amenity of the Town Centres and Settlements;
- c. Lead to significant adverse effects on transportation networks; or
- d. Adversely affect the visual amenity of the residential and rural areas adjacent to the airports **AIRPZ – Airport Zone**.¹⁸

AIRPZ – P7

To allow for the future expansion of the Hokitika and Westport Airports aviation activities including a lengthened runway, aircraft hangers and expanded terminal whilst:

- a. Minimising effects on amenity values and traffic effects on the land transport network;
- b. Ensuring noise and light emissions remain at an acceptable level, particularly in relation to sensitive activities; ~~and~~
- c. Recognising natural features and landforms, waterbodies, coastal environment, indigenous vegetation, historic heritage, sites and areas of significance to Poutini Ngāi Tahu, archaeological sites or scheduled features; ~~and~~
- d. ~~including by~~¹⁹ Using best practice industry requirements and technology to ensure efficient use of land and to reduce effects.

AIRPZ – P8

To provide for future additions of airports, **airfields, aerodromes**²⁰ and heliports to the AIRPZ - Airport Zone where these are significant public infrastructure or public benefit and are operated by a network utility operator.

AIRPZ – P9

To encourage the incorporation of Poutini Ngāi Tahu mātauranga principles into the design of buildings in the AIRPZ - Airport Zone and opportunities for Poutini Ngāi Tahu to exercise their customary responsibilities as mana whenua and kaitiaki in respect of activities and/or development at the airports, **airfields, aerodromes**²¹ and heliports that may affect cultural, spiritual and/or heritage values of importance to Poutini Ngāi Tahu.

AIRPZ – P10

To manage the risks of natural hazards to the airports, **airfields, aerodromes** and heliports²² within the AIRPZ - Airport Zone including:

- a. Providing for maintenance and development activities that increase West Coast/Te Tai o Poutini public airports, **airfields, aerodromes** and heliports' resilience to natural hazards; and

¹⁷ RMA First Schedule Clause 16(2)

¹⁸ RMA First Schedule Clause 16(2)

¹⁹ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.251

²⁰ RMA First Schedule Clause 16(2)

²¹ RMA First Schedule Clause 16(2)

²² RMA First Schedule Clause 16(2)

b. Planning for managed retreat from existing hazards at Westport Airport including potential relocation in the future.

AIRPZ – P11

To minimise the development or location of large **artificial**²³ areas of open water, or other land disturbance which could act as a significant bird attractant near to the airports, **airfields**, **aerodromes** and heliports in the AIRPZ - Airport Zone.

AIRPZ – P12

To allow the use of the Greymouth Aerodrome for outdoor events and entertainment, where this will not compromise its primary use as an aerodrome.²⁴

AIRPZ - Airport Zones Rules

Submissions and Further Submissions

93. One submission point relating to the Airport Zone Rules (as a whole) was received that sought a new permitted activity rule.
94. Three submission points supporting Rule **AIRPZ-R1** as notified were received.
95. Three submission points and one further submission point relating to Rule **AIRPZ-R2** were summarised in a Table on pages 18-19 of the S42A Report. One submission point supported the retention of the rule as notified. Two submission points sought amendments.
96. Two submission points supporting Rule **AIRPZ-R3** as notified were received.
97. Two submission points supporting Rule **AIRPZ-R4** as notified were received.
98. One submission point supporting Rule **AIRPZ-R5** as notified was received.
99. Three submission points relating to Rule **AIRPZ—R6** were summarised in a Table on page 19 of the s42A Report. Two submission points supported the retention of the rule as notified and the remaining submission point sought amendments.
100. Three submission points relating to Rule **AIRPZ—R7** were summarised in a Table on page 20 of the s42A Report. Two submission points supported the retention of the rule as notified and the remaining submission point sought amendments.
101. Three submission points and one further submission point relating to Rule **AIRPZ-R8** were summarised in a Table on page 20 of the s42A Report. One submission point supported the retention of the rule as notified and the remaining submission points sought amendments.
102. Four submission points relating to Rule **AIRPZ-R9** were summarised in a Table on pages 20-21 of the s42A Report. Two submission points supported the retention of the rule as notified and the remaining submission points sought amendments.

²³ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.410

²⁴ Grey District Council S608.123

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

103. One submission point supporting the retention of Rule **AIRPZ-R10** as notified was received.
104. One submission point supporting the retention of Rule **AIRPZ-R11** as notified was received.
105. The Panel adopts the s42A Report summaries and has considered the relevant submissions and further submissions.

Section 42A Report

Rules (General)

106. Ms Easton acknowledged the support from submitters for the majority of the rules as notified.
107. Ms Easton supported GDC's (S181.048) request for a new permitted activity rule to provide for the temporary use of Greymouth's Aerodrome as an outdoor entertainment facility. In reaching her position, Ms Easton noted that the large area around Greymouth Aerodrome, and its location between the industrial areas of Greymouth and the sea, made it ideally located as an outdoor events venue.
108. Ms Easton recommended adding a new rule as follows:

AIRPZ – RXXX Outdoor events and entertainment activities at Greymouth Aerodrome

Activity Status Permitted:

Where:

1. No building or structure, including temporary buildings and structures, shall protrude into the Airport Approach Path for Greymouth Aerodrome identified on the planning maps and as described in Appendix Nine.

AIRPZ-R2: Permitted Activity – Grazing, cropping, moss collection and beekeeping activities

109. Ms Easton supported the submission point made by WDC (S181.048) regarding the allowance for cropping. However, she considered the rule, as notified, already provided for cropping as a permitted activity and therefore no changes to the wording were required.
110. Ms Easton supported in part the request of Poutini Ngāi Tahu (S620.253) for amendment so that new measurements are given from the site boundaries and that a standard recession plan formula or diagram is used for ease of understanding and implementation. However, she noted that there was no additional information available to her to amend these provisions. She also stated that the airports were consulted about this matter during the development of the Plan and could not provide any further information or advice on appropriate height restrictions. On this basis, no amendments to the notified wording were proposed.

AIRPZ-R6, R7, R8, R9 and R10

111. Ms Easton was supportive of GDC's (S608.791 - S608.794) requests for an additional matter of discretion to be added to these rules to include wastewater, water supply, and stormwater management, as well as design compliance with NZS4404:2010, in rules AIRPZ-

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

R6, AIRPZ-R7, AIRPZ-R8 and AIRPZ-R9. Ms Easton acknowledged the additional Three Waters demands associated with activities and considered it was important that an additional matter of discretion be included to address these when resource consent was required. She recommended that the additional matter of discretion for each rule is as outlined below.

112. Ms Easton was supportive of the submission from Poutini Ngāi Tahu (S620.256) that sought an additional matter of discretion to Rule AIRPZ – R8 – *“incorporating Poutini Ngāi Tahu design principles into buildings”*. She noted that the submission was consistent with the intention and direction provided in Policy AIRPZ–P9 and considered its omission from this rule was a drafting error. She recommended the additional matter of discretion for AIRPZ–R8 as outlined below.
113. Ms Easton was supportive of WDC’s (S181.049) request to exclude Hokitika Airport from AIRPZ–R9 and to classify visitor accommodation at that airport as a discretionary activity. Ms Easton considered that the development of visitor accommodation at Hokitika Airport did not fit with the overall planning approach that WDC has taken to the expansion of commercial activities and visitor accommodation in Hokitika. She considered that a discretionary activity status was more appropriate.
114. Laurence McGuire (S458.001) sought the inclusion of Haast Airfield within the Airport Zone. The submission included a range of information about the airfield, its use, and significance to Haast, as well as its importance to the wider South Westland area. This submission was supported by two further submissions by Erin Stagg (FS42.1) and P.E. Property Trust (FS88.1), who sought that the area included in a Haast Airfield Airport Zone incorporated the helicopter operations area on their property.
115. Ms Easton noted that the Haast Airfield had not been included because the land was privately owned. However, she supported the relief sought because she considered the information provided by the submitter and further submitters provided ‘a compelling case’ for the inclusion of the Haast Airfield within the Airport Zone, and the WDC supported this position. Although the land is privately owned, she acknowledged the airfield had a similar importance to that played by Karamea Aerodrome in the north of the West Coast.
116. Ms Easton also considered that sufficient information was provided by the submitter to identify an Airport Flight Path Overlay for the airfield, which could be included on the Planning Maps. She noted the submitter had provided, as part of their technical planning information ahead of the hearing, a noise report prepared by Marshall Day Acoustics with recommended noise contours for the Haast Airfield. Ms Easton supported and recommended that those noise contours should be included on the Planning Maps.
117. In terms of the application of rules, Ms Easton noted that the noise contours covered most of the property, and she therefore did not consider it was appropriate for Rule AIRPZ-R9 to apply to Haast Airfield. She considered that visitor accommodation activities should be a non-complying activity at that location.
118. In summary, in response to the submission from Laurence McGuire, Ms Easton recommended the following:
 - (a) That the Haast Airfield (Lot 4 DP 3407 and Lot 1 DP 2832) be included within the Airport Zone and shown on the Planning Maps as such.

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

- (b) That the Airport Flight Path Overlay for Haast Airfield be included in Appendix Nine and on the Planning Maps.
 - (c) That the 55 dB Ldn²⁵ Noise Contour Boundary for Haast Airfield be included on the Planning Maps.
 - (d) That consequential amendments be made to the Airport Zone Chapter to provide for Haast Airfield within the Airport Zone.
119. The further submission from P.E. Property Trust (FS88.1) sought to include their land within a Haast Airport Zone. It also sought a range of amendments to the zone provisions, including the provision of residential dwellings as a permitted activity. Ms Easton did not support these submission points and considered that residential activity was not an appropriate activity to include in an Airport Zone. She also considered that the further submitter had not provided sufficient information for an aircraft flight path overlay or noise contours concerning the helicopter operations. For these reasons, she did not support the relief sought in the further submission.

120. Ms Easton recommended that Rule AIRPZ-R6 be amended as follows:

AIRPZ – R6 Industrial Activities and Buildings at Hokitika or Westport Airport or Greymouth Aerodrome

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule AIRPZ – R1 are complied with.

Matters of discretion are:

...

j. Management of wastewater, stormwater and water supply in accordance with relevant requirements of NZS 4044: 2010

121. Ms Easton recommends that Rule AIRPZ – R7 be amended as follows:

AIRPZ – R7 Commercial Activities and Buildings other than Visitor Accommodation at Hokitika or Westport Airport or Greymouth Aerodrome

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule AIRPZ – R1 are complied with.

Discretion is restricted to:

...

j. Management of wastewater, stormwater and water supply in accordance with relevant requirements of NZS 4044: 2010

122. Ms Easton recommended that Rule AIRPZ – R8 be amended as follows:

AIRPZ - R8 Airport Activities and Fences, Walls and Retaining Walls not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

²⁵ Day-Night Average Sound Level

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

1. No building, structure or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine.

Discretion is restricted to:

...

h. Management of wastewater, stormwater and water supply in accordance with relevant requirements of NZS 4044: 2010; and

i. Incorporating Poutini Ngāi Tahu design principles into buildings.

123. Ms Easton recommended that Rule AIRPZ – R9 be amended as follows:

AIRPZ - R9 Visitor Accommodation at ~~Hokitika and~~ Westport Airport or Greymouth or Karamea Aerodrome

Activity Status Restricted Discretionary

Where:

1. No building, structure or tree shall protrude into the Airport Approach Path of any airport or aerodrome identified on the planning maps and as described in Appendix Nine; and
2. Visitor accommodation buildings shall meet the standards specified in Rule NOISE R3.

Discretion is restricted to:

...

i. Management of wastewater, stormwater and water supply in accordance with the relevant requirements of NZS 4044: 2010

Advice Note: Visitor Accommodation Activities at Hokitika Airport are regulated under Rule AIRPZ – R10

124. Ms Easton recommended that Rule AIRPZ – R10 be amended as follows:

AIRPZ - R10 Industrial and Commercial Activities and Buildings not meeting

Restricted Discretionary Activity Standards

Activity Status Discretionary

Where:

1. This does not include Visitor Accommodation **except where this is located at Hokitika Airport;** and...

Hearing and Submitter Evidence/Statements

125. Mr Laurence McGuire and Mr Tom Overton spoke at the hearing in relation to the Haast Airfield. Mr McGuire explained to the Panel that the Haast airfield accommodates pilots and passengers when they are caught by adverse weather events, as a matter of safety. He noted the risk of local accommodation providers being fully booked at these times. Mr McGuire sought for visitor accommodation to be restricted discretionary under AIRPZ-R9, rather than non-complying as in the notified Plan, which he considered should be a consequence of including Haast airfield in the AIRPZ as requested in submission.

126. The Poutini Ngāi Tahu hearing statement included commentary supporting several rules.

127. The Aircraft Owners and Pilots Association NZ submitted a letter (dated 10 May 2024) supporting the submission to include Haast Airfield in the Airport Zone.

Reporting Officer Reply Evidence

128. No specific points were made in the Reply Evidence regarding the recommended changes to Airport Zone rules discussed above. It is noted that the matter of visitor accommodation at Haast Airfield is considered below.
129. In relation to Rule AIRPZ – R9, Ms Easton responded to questions from the Panel as to her view on the appropriateness of the Visitor Accommodation rule at Haast Airfield. She altered her view from her s42A Report and considered that there was scope in the submission to make the change sought by the submitter, namely that the airfield be included in the Airport Zone. She recommended amendments to Rule AIRPZ-R9, as follows:

**AIRPZ - R9 Visitor Accommodation at ~~Hokitika and~~²⁶ Haast Airfield²⁷, Westport
Airport or Greymouth or Karamea Aerodrome**

Activity Status Restricted Discretionary

Hearing Panel's Evaluation

130. The Panel accepts Ms Easton's recommended additions to rules AIRPZ-R6, R7, R8, R9, and R10 to include an additional matter of discretion relating to wastewater, water supply, and stormwater management, as well as design compliance with NZS 4404:2010, enabling assessment of those matters at the resource consent stage.
131. The Panel also agree with Ms Easton's recommendation to include as a new matter of discretion to AIRPZ-R8 incorporating Poutini Ngāi Tahu design principles into buildings. We agree this addition links well with Policy AIRPZ-P9 and note that points of arrival and departure for air travellers are suitable locations and opportunities for such design principles to be utilised.
132. The Panel agrees with Ms Easton's recommendation to exclude Hokitika Airport from AIRPZ-R9 and to classify visitor accommodation at that airport as a discretionary activity. We agree that the development of visitor accommodation at Hokitika Airport does not align with the overall planning approach taken by WDC regarding the expansion of commercial activities and visitor accommodation in Hokitika.
133. The Panel agrees that a new permitted activity rule (AIRPZ-R6) should be added to the zone to provide for the temporary use of the Greymouth Aerodrome as an outdoor entertainment facility. We agree its size and location make it suitable for temporary outdoor events and entertainment. This new rule provides a method to give effect to the new policy related to the new and additional use of the Greymouth Aerodrome. We note that rule as drafted was missing an activity status where not complied with and we consider in such circumstances that status should be non-complying given it is about aircraft safety.
134. The Panel agrees with Ms Easton's reasoning and recommendation that Haast Airfield (Lot 4 DP 3407 and Lot 1 DP 2832) be included within the Airport Zone and shown on the Planning Maps accordingly. We agree that the submission by Laurence McGuire (S458.001) includes information that provides a compelling case for inclusion of the Haast Airfield

²⁶ Westland District Council S181.049

²⁷ Laurence McGuire S458.001

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

within the Airport Zone. We agree that the Haast Airfield is of similar importance to the Karamea Aerodrome in the north of the West Coast.

135. The Panel also agree with Ms Easton’s assessment regarding visitor accommodation and recommend this is provided for as a discretionary activity. We consider Haast Airfield should be treated the same as other airports and aerodromes named in the rule.
136. The Panel recommends other minor changes to wording for consistency (as discussion in relation to the whole zone above) and consequential renumbering to accommodate the recommended new permitted activity rule.

Hearing Panel’s Recommendation

137. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes are made to the **Airport Zone Rules**:

Airport Zone Rules	
Permitted Activities	
AIRPZ– R1	Airport Activities
Activity Status Permitted	
Where:	
<ol style="list-style-type: none">1. The maximum gross ground floor area of a single building is 2000m²;2. No building, structure or tree shall protrude into the Airport Approach Path of any airport, airfield²⁸ or aerodrome identified on the planning maps and as described in Appendix Nine; and3. Buildings are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary, and 10m from internal boundaries.	
Activity status where compliance not achieved: Restricted Discretionary	
AIRPZ– R2	Grazing, cropping, moss collection and beekeeping Activities
Activity Status Permitted	
Where:	
<ol style="list-style-type: none">1. No building, structure or tree shall protrude into the Airport Approach Path of any airport, airfield²⁹ or aerodrome identified on the planning maps and as described in Appendix Nine.	
Activity status where compliance not achieved: Non-complying	
AIRPZ– R3	Emergency Service Facilities
Activity Status Permitted	
Where:	

²⁸ Consequential amendment Laurence McGuire S458.001

²⁹ Consequential amendment Laurence McGuire S458.001

1. No building, structure or tree shall protrude into the Airport Approach Path of any airport, **airfield**³⁰ or aerodrome identified on the planning maps and as described in Appendix Nine; and
2. Buildings are setback a minimum of 3m from the road boundary and 5m from the State Highway Boundary.

Activity status where compliance not achieved: Non-complying

AIRPZ– R4 Network Utility and Meteorological Structures

Activity Status Permitted

Where:

1. No building, structure or tree shall protrude into the Airport Approach Path of any airport, **airfield**³¹ or aerodrome identified on the planning maps and as described in Appendix Nine.

Activity status where compliance not achieved: Non-complying

AIRPZ– R5 Fences Walls and Retaining Walls

Activity Status Permitted

Where:

1. No fence shall protrude into the Airport Approach Path of any airport, **airfield**³² or aerodrome identified on the planning maps and as described in Appendix Nine;
2. Fences, walls and retaining walls are a maximum 2m height above ground level; and
3. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

Activity status where compliance not achieved: Restricted Discretionary

AIRPZ– R6 Outdoor events and entertainment activities at Greymouth Aerodrome³³

Activity Status Permitted

Where:

1. **No building or structure, including temporary buildings and structures, shall protrude into the Airport Approach Path for Greymouth Aerodrome identified on the planning maps and as described in Appendix Nine.**

Activity status where compliance not achieved: Non-complying

Restricted Discretionary Activities

AIRPZ– R67 Industrial Activities and Buildings at Hokitika or Westport Airport or Greymouth Aerodrome

Activity Status Restricted Discretionary

Where:

³⁰ Consequential amendment Laurence McGuire S458.001

³¹ Consequential amendment Laurence McGuire S458.001

³² Consequential amendment Laurence McGuire S458.001

³³ Grey District Council S608.124

1. All performance standards for Rule AIRPZ - R1 are complied with.

Discretion is restricted to:

~~Matters of discretion are:~~³⁴

- a. Bulk, design and location of buildings;
- b. Incorporating Poutini Ngāi Tahu design principles into buildings;
- c. Management of access, traffic and parking;
- d. Management of odour and dust;
- e. ~~Landscape measures~~**Measures to mitigate landscape effects;**³⁵
- f. Any impacts on the amenity or production value of surrounding rural land;
- g. Effects on visual amenity;
- h. Any impacts on the amenity of adjacent residential land; and
- i. Any impacts on the efficiency or function of the main Airport Activity in the Zone; and
- j. **Management of wastewater, stormwater and water supply in accordance with relevant requirements of NZS 4044: 2010.**³⁶

Activity status where compliance not achieved: Discretionary

AIRPZ– R78 Commercial Activities and Buildings other than Visitor Accommodation at Hokitika and Westport Airports and Greymouth Aerodrome

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule AIRPZ - R1 are complied with.

Discretion is restricted to:

- a. Bulk, design and location of buildings;
- b. Management of access, traffic and parking;
- c. ~~Landscape measures~~**Measures to mitigate landscape effects;**³⁷
- d. Incorporating Poutini Ngāi Tahu design principles into buildings;
- e. Any impacts on the amenity or production value of surrounding rural land;
- f. Effects on visual amenity;
- g. Any impacts on the amenity of adjacent residential land; ~~and~~
- h. Any impacts of retail activities on the viability of the Hokitika, Westport or Greymouth town centres; ~~and~~
- i. Any impacts on the efficiency or function of the main Airport Activity in the Zone; ~~and~~
- j. **Management of wastewater, stormwater and water supply in accordance with relevant requirements of NZS 4044: 2010.**³⁸

AIRPZ– R89 Airport Activities and Fences, Walls and Retaining Walls not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

³⁴ RMA First Schedule Clause 16(2)

³⁵ Consequential Plan-wide amendment Manawa Energy Limited S438.100

³⁶ Grey District Council S608.791

³⁷ Consequential Plan-wide amendment Manawa Energy Limited S438.100

³⁸ Grey District Council S608.792

1. No building, structure or tree shall protrude into the Airport Approach Path of any airport, **airfield** or aerodrome identified on the planning maps and as described in Appendix Nine.

Discretion is restricted to:

- a. Bulk, design and location of buildings;
- b. Management of access, traffic and parking;
- c. ~~Landscape measures~~ **Measures to mitigate landscape effects;**³⁹
- d. Any impacts on the amenity or production value of surrounding rural land;
- e. Effects on visual amenity;
- f. Any impacts on the amenity of adjacent residential land; and
- g. Any impacts on the efficiency or function of the main Airport Activity in the Zone;
- h. Management of wastewater, stormwater and water supply in accordance with relevant requirements of NZS 4044: 2010; and**⁴⁰
- i. Incorporating Poutini Ngāi Tahu design principles into buildings.**⁴¹

AIRPZ– R910 Visitor Accommodation at ~~Hokitika and~~⁴² **Haast Airfield,**⁴³ Westport Airport or Greymouth or Karamea Aerodrome

Activity Status Restricted Discretionary

Where:

1. No building, structure or tree shall protrude into the Airport Approach Path of any airport, **airfield**⁴⁴ or aerodrome identified on the planning maps and as described in Appendix Nine; and
2. Visitor accommodation buildings shall meet the standards specified in Rule NOISE - R3.

Discretion is restricted to:

- a. Bulk, design and location of buildings;
- b. Management of access, traffic and parking;
- c. ~~Landscape measures~~ **Measures to mitigate landscape effects;**⁴⁵
- d. Incorporating Poutini Ngāi Tahu design principles into buildings;
- e. Any impacts on the amenity or production value of surrounding rural land;
- f. Effects on visual amenity;
- g. Any impacts on the amenity of adjacent residential land; ~~and~~
- h. Any impacts on the efficiency or function of the main Airport Activity in the Zone; and
- i. **Management of wastewater, stormwater and water supply in accordance with the relevant requirements of NZS 4044: 2010.**⁴⁶

Activity status where compliance not achieved: Non-complying

Advice Note: Visitor Accommodation Activities at Hokitika Airport are regulated under Rule AIRPZ – R12.⁴⁷

³⁹ Consequential Plan-wide amendment Manawa Energy Limited S438.100

⁴⁰ Grey District Council S608.793

⁴¹ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.256

⁴² Westland District Council S181.049

⁴³ Laurence McGuiire S458.001

⁴⁴ Consequential amendment Laurence McGuiire S458.001

⁴⁵ Consequential Plan-wide amendment Manawa Energy Limited S438.100

⁴⁶ Grey District Council S608.794

⁴⁷ Consequential amendment Westland District Council S181.049

Discretionary Activities

AIRPZ– R101 Industrial and Commercial Activities and Buildings not meeting Restricted Discretionary Activity Standards

Activity Status Discretionary

Where:

1. This does not include Visitor Accommodation **except where this is located at Hokitika Airport⁴⁸**; and
2. No building, structure or tree shall protrude into the Airport Approach Path of any airport, **airfield⁴⁹** or aerodrome identified on the planning maps and as described in Appendix Nine.

Activity status where compliance not achieved: Non-complying

Non-complying Activities

AIRPZ– R112 Any activity not provided for by another Rule in the zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

AIRPZ– R12 Outdoor events and entertainment activities at Greymouth Aerodrome not meeting the Permitted Activity Standard

Activity Status Non-complying

Activity status where compliance not achieved: N/A

AIRPZ - Airport Zone Appendix Nine: Airport Approach Path Overlay

Submissions and Further Submissions

138. Thirteen submission points relating to Appendix Nine were summarised in a Table on pages 24-25 of the s42A Report. Nine submission points sought various amendments, three submissions were in opposition, one opposed in part, and one submission was neutral. The Panel adopts these summaries and has considered the submission but note that the submissions recorded in opposition sought amendments.

Section 42A Report

Standards (General)

139. Ms Easton supported the nine submission points⁵⁰ that requested the Airport Flight Path Overlay for Westport Airport be amended to reflect the overlay as currently set out in the Buller District Plan. She considered this would correct an error in the Plan resulting from the incorrect shape file being supplied to the TTPP GIS team.

⁴⁸ Westland District Council S181.049

⁴⁹ Consequential amendment Laurence McGuire S458.001

⁵⁰ William McLaughlin (S567.550, S567.740), Chris & Jan Coll (S558.506, S558.715), Chris J Coll Surveying Limited (S566.506, S566.715), Laura Coll McLaughlin (S574.506, S574.715) and Buller District Council (S538.581)

140. In response to the three submissions⁵¹ that sought to remove or increase the height of the Westport and Karamea Airport flight paths, Ms Easton did not support the relief sought. She noted that with the correct Flight Path Overlay for Westport Airport, the height restrictions would be the same as those in the operative Buller District Plan and were necessary to support the safety of airport use. In the case of the Karamea Airport, she noted the Flight Path Overlay only affected the runway area, which she considered was appropriate to protect aircraft safety.
141. For the reasons outlined in the preceding paragraph, Ms Easton supported in part the submission⁵² that sought that alterations be made to the airport approach path for Westport to allow for more permitted activities and fewer restrictions.

Hearing and Submitter Evidence/Statements

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

Reporting Officer Reply Evidence

143. Mr McGuire and Mr Ibbotson provided evidence at the hearing that described the north south orientation of the runway, corresponding with the flight path for the Haast airfield. Comparisons were made with Karamea Aerodrome.

Hearing Panel's Evaluation

144. The Panel accept Ms Easton's reasons and recommendation that the Airport Flight Path Overlay for Westport Airport is amended to reflect the overlay as currently set out in the Buller District Plan.
145. The Panel accepts Ms Easton's reasons and recommendation to not remove or increase the height of the Westport and Karamea Airport flight paths and to retain those provisions as notified.
146. The Panel recommends amendments to Appendix Nine to include the Haast Airfield, with the same requirements as for Karamea Aerodrome based on the submission and evidence of Mr McGuire and Mr Ibbotson.

Hearing Panel's Recommendation

147. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points⁵³ are accepted or accepted in part, and recommend the following changes to the **Appendix Nine** and **Airport Approach Path Overlay for Westport Airport shown in the Planning Maps** so that it is the same as that found in the Operative Buller District Plan, as shown below:

Airport Zone – Appendix Nine: Airport Approach Path Overlay

Westport Airport, Haast Airfield and Karamea Aerodrome

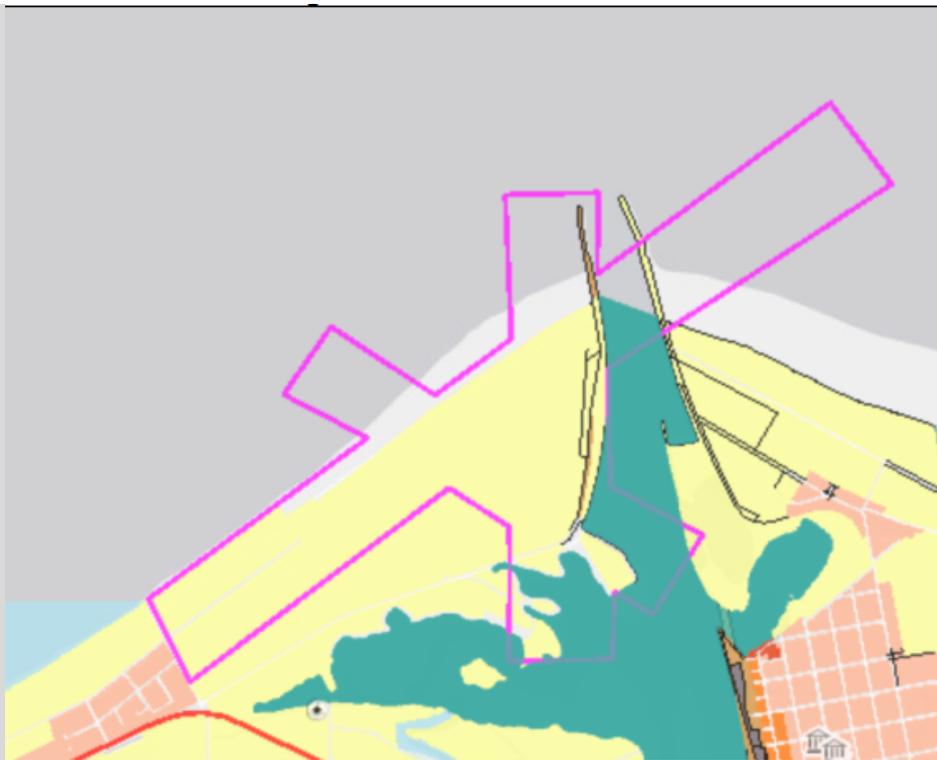
⁵¹ Kelsey Mundy (S41.001), Lyndal Watson (S42.001) and Neil Hateley (S139.001)

⁵² Gail Dickson (S407.007)

⁵³ William McLaughlin S567.550, S567.740, Chris & Jan Coll S558.506, S558.715, Chris J Coll Surveying Limited S566.506, S566.715, Laura Coll McLaughlin S574.506, S574.715 and Buller District Council S538.581

Height Restrictions – 1.2m height for any building, structure or tree that extends into the Westport Airport, Haast Airfield, or Karamea Aerodrome Flight Path as shown on the planning maps.

Amendment to the Planning Maps – Westport Flight Path Overlay



Amendment to the Planning Maps – Haast Airfield Flight Path Overlay

- Include Airport Flight Path Overlay for Haast Airfield into the Planning Maps

Zoning Maps

Submissions and Further Submissions

148. One submission point and two further submission points were summarised in a Table on page 26 of the s42A Report. The Panel has considered the relevant submissions and further submissions and adopts the summaries in the s42A Report.

Section 42A Report

149. As noted above, a submission was received by Laurence McGuire (S458.001), which sought that Haast Airfield be included within the Airport Zone. The submission included a range of information about the airfield, its use, and significance to Haast, as well as its importance to the wider South Westland area. This submission was supported by two further submissions by Erin Stagg (FS 42.1) and P.E. Property Trust (FS 88.1), who sought that the area included in a Haast Airfield Airport Zone include the helicopter operations area on their property.

Hearing and Submitter Evidence/Statements

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

150. Mr McGuire relied on the evidence of Mr Ibbotson and the Marshall Day report in support of zoning the Haast Airfield within the AIRPZ, based on comparisons with Karamea Aerodrome, which was included in the zone at the time of notification of the Plan. Evidence from Mr Ibbotson included reference to acoustic modelling and 55dB noise contour, as well as predictions regarding future use of the airfield. As noted above, the Aircraft Owners and Pilots Association NZ submitted a letter in support of the submission to include Haast Airfield in the Airport Zone.

Reporting Officer Reply Evidence

151. In response to Panel questions regarding the potential for development within the proposed 55dBA noise contour at Haast Airfield, Ms Easton provided a map showing the location of the P.E. Property Trust sites in her Right of Reply. She noted that the 55dBA noise contour was tightly focused on the airfield and was almost entirely over land zoned General Rural Zone, except for a small area where it crossed airfield land into an area zoned Settlement Zone. Given the minimal area of land affected within the Settlement Zone, she considered it was probable that development could occur on the P.E. Property Trust sites, without locating any dwellings within the 55dBA noise contour.
152. In response to Panel questions regarding the extent of property affected at Karamea Aerodrome, Ms Easton provided maps showing the extent of the noise contour and the location of dwellings within the noise contour in her Right of Reply. She noted that existing dwellings had the benefit of existing use rights and therefore no modification as a result of the noise contour would be required. She also stated that new dwellings built within the noise contours would require mechanical ventilation to be installed. She noted acoustic experts had advised that modern building codes and insulation requirements imply that no additional requirements would be necessary when windows were closed but that mechanical ventilation may be required where the acoustic requirements cannot be met when windows are open.

Hearing Panel's Evaluation

153. As noted above, the Panel agrees with Ms Easton's reasoning and recommendation that Haast Airfield (Lot 4 DP 3407 and Lot 1 DP 2832) be included within the Airport Zone and shown on the Planning Maps accordingly.
154. The Panel agrees with Ms Easton that the submitter has provided sufficient evidence, including the noise report prepared by Marshall Day Acoustics, to recommend the inclusion of noise contours for the Haast Airfield. We accept Ms Easton's view that the 55dBA noise contour is tightly focused on the airfield and does not restrict existing development potential given the contour is mainly over land zoned General Rural Zone, except for a small area of Settlement Zone. We therefore agree with Ms Easton's recommendation to include noise contours for the Haast Airfield on the Planning Maps.

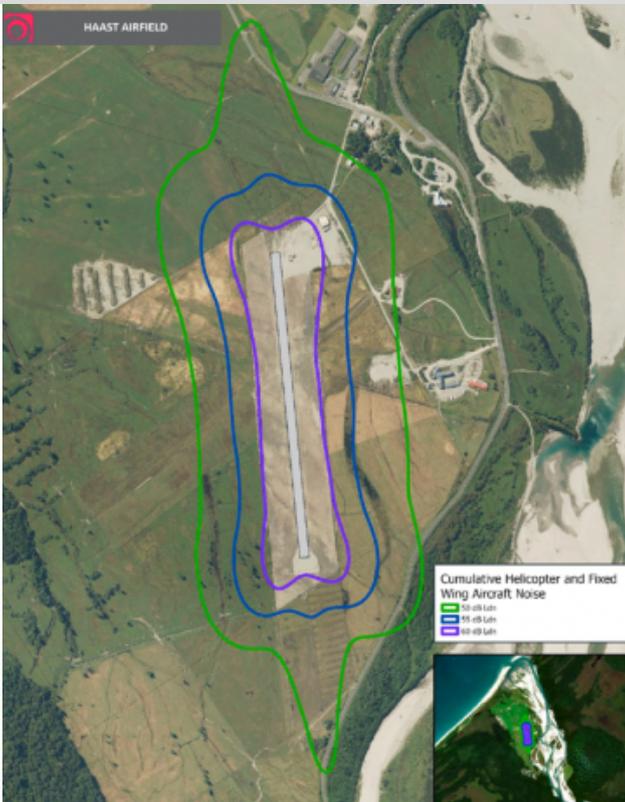
Hearing Panel's Recommendation

155. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend an **Airport Zone – Haast Airfield and Haast Airfield 55 dB Ldn Noise Contour Boundary** is included in Planning Maps as follows:

Airport Zone – Haast Airfield⁵⁴



Haast Airfield - 55dB Ldn Noise Contour Boundary



⁵⁴ Laurence McGuire S458.001

2.2. FUZ - FUTURE URBAN ZONE - Te Takiwā Tāone mō Raurangi

Submissions and Further Submissions

156. Seven submission points and one further submission point relating to the Future Urban Zone (**FUZ**) Chapter as a whole were summarised in a Table on pages 29-30 of the s42A Report. The Panel adopts these summaries and has considered the submissions and further submission.
157. The Panel note that Toka Tū Ake EQC (S612.109) supported in part, raising concerns that some land identified for future urban development was subject to land instability, which is further considered in the rule framework.

Section 42A Report

158. Ms Easton did not support GDC's (S608.125) request that all references to the SASM in the FUZ Chapter be deleted for the reasons outlined in detail in the other s42A Reports.
159. Ms Easton noted the support of Westland District Council (S181.051), Te Mana Ora (S190.1102) and Toka Tū Ake EQC (S612.110) for the FUZ Chapter; and Peter Haddock's (S417.005) support for the FUZ over his property in the Grey District.
160. Forest and Bird (S560.393) sought that the Overview be amended to state that the land must be rezoned before any urban development can occur. Ms Easton did not support this because the provisions of the zone had been specifically developed to recognise the costs to the West Coast Councils in preparing plan changes to rezone land. She considered that provided a structure plan was developed to identify the appropriate zoning for a site, this would be sufficient to unlock the development of the land.
161. Ms Easton supported the inclusion of the more standardised and expanded "Other relevant Te Tai o Poutini Plan provisions" section in the Overview, as sought by Forest and Bird, to be consistent with the wider Plan provisions.
162. Charles Elley (S251.002) sought that the land block contained in DP 543155 be rezoned from GRUZ to FUZ to recognise the extensive existing infrastructure, which was required to be installed as part of a subdivision consent at Beach Drive, Westport. Ms Easton did not support this submission and provided information on the multiple natural hazards affecting the site that made it unsuitable for identification as FUZ.
163. Ms Easton did not recommend that any amendments to the whole FUZ Chapter in response to these submissions.

Hearing and Submitter Evidence/Statements

164. There was no submitter evidence presented specifically relating to the Overview or the FUZ Chapter as a whole.

Reporting Officer Reply Evidence

165. Following a question from the Panel regarding the protection of significant ecological values in identified FUZ areas, Ms Easton advised amendments could be made to the Overview (as an RMA Schedule 1, clause 16 amendment) to clarify that this work is yet to

be undertaken. She considered this was appropriate because the overview is not an objective, policy or rule. She recommended adding the following text:

...

The FUZ - Future Urban Zone is currently proposed in some areas on the fringes of Greymouth, as well as some locations around Franz Josef. **It is noted that significant indigenous biodiversity values in areas of Future Urban Zone haven't been assessed prior to the identification of areas as Future Urban Zone and that this work is planned to be undertaken in the future.**

Hearing Panel's Evaluation

166. The Panel agrees with Ms Easton that her recommended amendments to the Overview can be made as a clause 16 amendment to clarify the identification of significant indigenous biodiversity values within FUZ is yet to be undertaken. We accept the proposed amendments do not alter the substance of the Overview but provide clarity that further assessment work is required. We have slightly modified Ms Easton's recommended wording to further enhance readability.
167. For similar reasons, the Panel consider an addition in response to the submission of Toka Tū Ake EQC regarding land instability risks is warranted.

Hearing Panel's Recommendation

168. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes are made to the **Future Urban Zone Overview**:

Overview

This zone applies to land which is intended for housing and business purposes in the future. The FUZ - Future Urban Zone applies to rural land which has been identified as being suitable for these purposes. It is located in places where this need may arise as a result of natural hazards and the need for managed retreat for settlements. The zone is a holding zone where land can continue to be used for a range of rural activities and subdivision and urban development are discouraged until a structure plan is prepared, or the land is

rezoned. Structure planning helps achieve an optimal type, form and extent of urban development and demonstrates how future development can be adequately serviced by infrastructure.

Rural-lifestyle subdivision, use and development, non-farming related industry and commercial activities are discouraged in the FUZ - Future Urban Zone along with ad hoc urban development. Subdivision and development is restricted to limit fragmentation of land and to maintain the land's character, amenity and productive capability in the interim.

The FUZ - Future Urban Zone is currently proposed in some areas on the fringes of Greymouth, as well as some locations around Franz Josef. **It is noted that significant indigenous biodiversity values in areas of the Future Urban Zone have not been assessed before the identification of areas as the Future Urban Zone, and that this work**

is planned to be undertaken in the future.⁵⁵ Where there are potential land instability issues in the zone, any necessary remediation will be addressed during subdivision.⁵⁶

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District - wide Matters chapters also contain provisions that may be relevant for ~~hospital~~ **Future Urban Zone⁵⁷** activities, including:

- ~~Overlay Chapters – the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape; riparian areas; natural hazards; and the coastal environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.⁵⁸~~
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters.** There may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Future Urban Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.
- **Natural Hazards - natural hazards are widespread on the West Coast and in some locations natural hazard overlays may affect areas in the Future Urban Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.**
- **Natural Character and Margins of Waterbodies - in some locations areas of Future Urban Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.**
- **Ecosystems and Indigenous Biodiversity – the Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Future Urban Zone.**
- **Subdivision** - The Subdivision chapter sets out the requirements for subdivision activities in the FUZ - Future Urban Zone.
- **Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators.

FUZ- Future Urban Zone Objectives and Objective SUB - 04

Submissions

169. Twelve submission points received on the FUZ objectives were summarised in a Table on pages 31-32 of the s42A Report. Eleven submission points supported the retention of the objectives as notified and one submission point sought amendments to Objective FUZ-04.

⁵⁵ RMA First Schedule Clause 16(2)

⁵⁶ Toka Tū Ake EQC (S612.109)

⁵⁷ RMA First Schedule Clause 16(2)

⁵⁸ Royal Forest and Bird Protection Society Incorporated S560.394, S560.391, S560.054

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

170. Six submission points relating to Objective **SUB-04** were summarised in a Table on page 32 of the s42A Report. Four submission points supported the retention of the objective as notified and two submission points sought amendments.
171. The Panel adopts these summaries and has considered the relevant submissions.

Section 42A Report

172. Ms Easton acknowledged most of the submissions supported all or individual objectives.
173. Toka Tū Ake EQC (S612.112) sought amendment of FUZ – O4 to include the process used to identify risk levels regarding natural hazard risk, identification of levels of risk tolerance/risk thresholds and whether risk tolerance levels had been met; and queried whether there had been the opportunity for external agencies and individuals to submit on the Plan. Ms Easton supported this submission in part and considered that this objective needed amendment.
174. Ms Easton noted that the natural hazard thresholds referred to were those where managed retreat was required and not that the FUZ land met some specific natural hazard threshold. She explained that FUZ-O4 was developed when the primary purpose of FUZ was to hold land for managed retreat. However, she noted this had changed through the Plan development process and that the areas related to this objective had their zoning changed from FUZ following draft Plan feedback. She noted that due to an error, FUZ-O4 had not subsequently been amended. She highlighted FUZ now existed in only two locations (Franz Josef and Greymouth) and that did not support future managed retreat. Ms Easton, therefore, recommended FUZ-O4 be amended as follows:

FUZ – O4

Urbanisation on sites zoned FUZ - Future Urban Zone occurs in a planned manner either by Plan Change, or by implementation of a Structure Plan ~~where Council resolution identifies that natural hazard risk thresholds have been met.~~

175. Ms Easton did not support BDC (S552.107) and Frida Inta's (S552.107) request to amend Objective SUB-04 to refer to protecting valuable horticultural land from urban sprawl. She noted that while this matter was the subject of the NPS for Highly Productive Land, no FUZ areas met the NPS criteria (Land Use Classes 1-3). She also noted locations with Land Use Class 3 were adjacent to Westport and Karamea, in areas subject to significant flood hazards; and in the upper Grey Valley where there was no urban development. On this basis, she did not recommend any amendments to Objective SUB – 04.

Hearing and Submitter Evidence/Statements

176. Ms Frida Inta, for herself and the Buller Conservation Group, presented at the hearing reiterating her view that an objective was required to promote the protection of valuable horticultural land from urban sprawl.

Reporting Officer Reply Evidence

177. Ms Easton made no specific comments in her Right of Reply about the objectives of the Future Urban Zone chapter.

Hearing Panel's Evaluation

178. The Panel accepts Ms Easton’s recommendation to amend Objective FUZ-04 to reflect the changed purpose of the FUZ. We accept land identified as FUZ does not include any highly productive land, which requires protection under the NPS-HPL. We agree that no further changes are required to the remaining objectives.

Hearing Panel’s Recommendation

179. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission point identified in the footnote below is accepted in part, and recommend the following changes to the **Future Urban Zone objectives**:

FUZ – O1
Future urban development is not compromised by incompatible subdivision, use and development.
FUZ – O2
Future urban land is available for managed retreat of vulnerable communities.
FUZ – O3
Rural activities that will not create reverse sensitivity issues in the future are provided for until the land is rezoned for urban purposes.
FUZ – O4
Urbanisation on sites zoned FUZ - Future Urban Zone occurs in a planned manner either by Plan Change, or by implementation of a Structure Plan where Council resolution identifies that natural hazard risk thresholds have been met. ⁵⁹

FUZ - Future Urban Zone Policies

Submissions

180. Six submission points relating generally to the policies as a whole were summarised in a Table on page 33 of the s42A Report. Four submission points supported the retention of the policies as a whole and two submission points sought a new policy.
181. One submission point supported retention of **FUZ–P1** as notified.
182. One submission point supported retaining **FUZ–P2** as notified.
183. Two submission points relating to **FUZ – P3** were summarised in a Table on page 34 of the s42A Report, with one supporting the policy as notified and one seeking amendments.
184. Two submission points supported retaining **FUZ–P4** as notified.
185. Two submission points supported retention of **FUZ–P5** as notified.

⁵⁹ Toka Tū Ake EQC S612.112

186. The Panel has considered the submissions and adopts these summaries in the s42A Report.

Section 42A Report

187. Ms Easton acknowledged the majority of submissions support all or individual policies.

188. Ms Easton did not support the Buller Conservation Group (S552.191) and Frida Inta's (S553.191) request for a new policy to avoid FUZ development in areas of indigenous biodiversity and natural character. She noted the purpose of these policies was to support resource consent processes within land already zoned FUZ and that both locations (at Franz Josef and Greymouth) were outside of Outstanding Natural Landscapes and did not include areas identified as significant natural areas (**SNA**).

189. Waka Kotahi NZTA (S450.293) sought that FUZ-P3 be amended to include the word "*safe*" in relation to transport networks. Ms Easton supported this submission and advised that she considered safety to be an important component of any transport system. She recommended the following amendments to FUZ-P3:

FUZ - P3

Avoid subdivision, use and development of land that may result in one or more of the following:

- a. Structures and buildings of a scale and form that will hinder or prevent future urban development;
- b. Compromise the **safe**, efficient and effective operation of a future urban transport and infrastructure networks;

....

Hearing and Submitter Evidence/Statements

190. Ms Inta reiterated the need for a new policy to avoid FUZ development in areas of indigenous biodiversity and natural character.

Reporting Officer Reply Evidence

191. Ms Easton made no specific comments in her right of reply about the objectives of the Future Urban Zone chapter.

Hearing Panel's Evaluation

192. The Panel accepts the reasoning set out in the s42A Report and agrees with Ms Easton that no changes are required to policies FUZ-P1 to FUZ-P5, except for her recommended amendment to FUZ-P3. However, we recommend removing the word 'a' from Policy FUZ-P3 to improve readability.

Hearing Panel's Recommendation

193. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends that the following changes to the **Future Urban Zone Policies**:

FUZ – P1

Provide for use and development that is consistent with the policies of the GRUZ - General Rural Zone unless that use will give rise to reverse sensitivity issues when urban development occurs.

FUZ – P2

Avoid subdivision in the FUZ - Future Urban Zone that will result in the fragmentation of land and compromise future urban development.

FUZ – P3

Avoid subdivision, use and development of land that may result in one or more of the following:

- a. Structures and buildings of a scale and form that will hinder or prevent future urban development;
- b. Compromise the safe,⁶⁰ efficient and effective operation of a future urban transport and infrastructure networks;
- c. The provision, or extension of the transport, wastewater, water supply, stormwater networks or other infrastructure unless this is provided as part of the development in a way that will not compromise the ultimate infrastructure configuration of the zone;
- d. Create or extend infrastructure out of sequence or that is not contiguous with the existing network infrastructure;
- e. Establishment of incompatible activities that could give rise to reverse sensitivity issues when urban development occurs; or
- f. Undermine the form or nature of future urban development or compromise the integrity of any relevant Structure Plan.

FUZ – P4

Where land is zoned FUZ - Future Urban Zone, subject to adequate provision of any infrastructure, to allow for:

- a. The provision of the necessary infrastructure by any person or by the Council for any part or all of that land;
- b. The provision of wastewater infrastructure that utilises disposal to land or connects to a Council operated reticulated system;
- c. Infrastructure servicing plans that are approved by Council, prior to the removal of the Future Urban Zone, which are required to be implemented under the urban zone through subsequent subdivision or development.

FUZ – P5

Where the FUZ - Future Urban Zone is activated by Council Resolution, or where urban development is undertaken prior to rezoning, provide for use and development which is

⁶⁰ Waka Kotahi NZTA S450.293

consistent with the policies of the relevant urban zone as identified in the Structure Plan for the area.

FUZ - Future Urban Zone Rules and Rule SUB-R12

Submissions and Further Submissions

Rules

194. Two submission points and a further submission point received on the rules as a whole were summarised in a Table on page 35 of the s42A Report. Both submission points sought amendments and the further submission supported in part.
195. Seven submission points received on **FUZ-R1** were summarised in a Table on page 35 of the s42A Report. Four submission points supported the rule as notified and three sought amendments in the form of an advice note.
196. Four submission points received on **FUZ-R2** were summarised in a Table on page 36 of the s42A Report. One submission point supported the rule as notified and three sought amendments.
197. Five submission points received on **FUZ-R3** were summarised in a Table on page 36 of the s42A Report. Two submission points supported Rule FUZ-R3 as notified and three sought amendments.
198. Four submission points received on **FUZ-R4** were summarised in a Table on page 36 of the s42A Report. One submission point supported Rule FUZ-R4 as notified and three sought amendments.
199. Four submission points supported **FUZ-R5** as notified.
200. Five submission points and a further submission point relating to **FUZ-R6** were summarised in a Table on pages 37-38 of the s42A Report. One submission point supported the rule as notified and one sought amendment, with a further submission in support. Three submissions sought to have the rule deleted.
201. Four submission points relating to **FUZ-R7** were summarised in a Table on page 38 of the s42A Report. One submission point supported the retention of the rule as notified and three submission points sought amendments.
202. Eight submission points relating to **FUZ-R8** were summarised in a Table on page 38 of the s42A Report. One submission point supported the rule as notified and seven submission points sought amendments.
203. Eleven submission points and three further submission points relating to **FUZ-R9** were summarised in a Table on page 39 of the s42A Report. Nine submission points sought amendments and one sought an amendment to require all mining activities to require consent, with two of the further submission points opposing this submission point and one supporting it.
204. Six submission points relating to **FUZ-R10** were summarised in a Table on pages 39-40 of the s42A Report. Two submission points supported the rule as notified and three

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

submission points sought amendments. One submission point sought that the rule be deleted.

205. Four submission points relating to **FUZ-R11** were summarised in a Table on page 40 of the s42A Report. One submission point supported the rule as notified and three submission points sought that the rule be deleted.
206. Four submission points relating to **FUZ-R12** were summarised in a Table on page 40 of the s42A Report. One submission point supported the rule as notified and three submission points sought amendments to the rule.
207. Four submission points relating to **FUZ-R13** were summarised in a Table on page 41 of the s42A Report. One submission point supported the rule as notified and three sought amendments to the rule.
208. Four submission points relating to **FUZ-R14** were summarised in a Table on page 41 of the s42A Report. One submission point supported the rule as notified and three submission points sought amendments to the rule.
209. Four submission points that sought amendments to **FUZ-R15** were summarised in a Table on page 42 of the s42A Report.
210. Four submission points relating to **FUZ-R16** were summarised in a Table on page 42 of the s42A Report. One submission point supported the rule as notified and three submission points sought amendments.
211. Four submission points relating to **FUZ-R17** were summarised in a Table on pages 42-43 of the s42A Report. One submission point supported rule as notified and three submission points sought amendments.
212. Ten submission points relating to **FUZ-R18** were summarised in a Table on page 43 of the s42A Report. One submission point supported the rule as notified and nine submission points sought amendments.

FUZ -R19 Agricultural, Pastoral and Horticultural Activities not meeting Rule FUZ - R1

213. Eight submission points relating to FUZ-R19 were summarised in a Table on page 44 of the S42A Report. Two submission points supported the retention of the rule as notified. The remaining six submission points sought amendments to the rule.

FUZ – R20 – FUZ -R24 Non complying activities

214. Ten submission points relating to FUZ-R20 were summarised in a Table on pages 44-45 of the S42A Report. Six submission points supported the retention of the rule as notified. The remaining four submission points sought the deletion of the rule.

SUB – R12 Subdivision of land to create allotments within the Future Urban Zone

215. Twenty-three submission points and a further submission point relating to Rule SUB–R12 were summarised in a Table on pages 45-46 of the s42A Report. One submission point supported the retention of the rule as notified and 21 submission points sought amendments to the rule. A further submission point opposed to two of the submissions

seeking amendments. One submission point sought that greater direction be provided by the Plan.

Section 42A Report

216. Ms Easton acknowledged the majority of the submissions support the rules as notified.

Permitted Activities FUZ – R1 – FUZ – R10

217. Forest and Bird (S560.394) requested that the rules clearly state that any vegetation clearance associated with the activities was governed by the ECO and NC chapters. Ms Easton supported this submission in part; however, she considered that the appropriate location for this clarity was the “*Other relevant Te Tai o Poutini Plan provisions*” section of the Overview. She recommended that this be amended to add reference to the Overlay Chapters and to be consistent with other chapters.

218. Ms Easton supported in part Toka Tū Ake EQC’s (S612.109) request that the rule framework for FUZ in areas subject to land instability include global land stability mitigation measures before development, rather than allowing *ad-hoc* development on potentially unstable slopes. She considered the appropriate location to address this matter was in the subdivision provisions, as this would be a precursor to land development. She noted Rule SUB–R12 was the relevant rule for the FUZ and recommended including additional matter of discretion “*the extent to which area-wide land stability measures are undertaken on potentially unstable slopes prior to development*”.

219. William McLaughlin (S567.668, S567.670 and S567.672) Chris J Coll Surveying Limited (S566.635, S566.638, S566.640) and Chris & Jan Coll (S558.635 and S558.638) sought that Rules FUZ – R1, FUZ – R2, FUZ –R4, FUZ – R7 and FUZ – R8 be amended so that any pre-existing non-compliance with noted performance standards did not preclude the application of these rules. Ms Easton did not support these submissions because she considered that, outside of a resource consent process, existing non-compliance should be accommodated specifically within the rules. She therefore did not recommend any amendments to this rule.

220. William McLaughlin (S567.669), Chris and Jan Coll (S558.636), and Chris J Coll Surveying Limited (S566.636) sought that, where compliance was not achieved with Rule FUZ-R1, the activity status should be controlled and not discretionary. Ms Easton did not support these submissions. She noted that the intent of the FUZ was a “*holding pattern*” zone, where the rules were deliberately strict to avoid compromising future urban form and development. For these reasons, she did not consider controlled activity status was appropriate and did not recommend any amendments to the rule.

221. Ms Easton did not support William McLaughlin (S567.671), Chris & Jan Coll (S558.639) and Chris J Coll Surveying Limited’s (S566.639) requests that FUZ–R3 be amended to be more enabling of residential activities because the intent of the FUZ as a “*holding pattern*” zone, as outlined previously. She did not recommend any amendments to this rule.

222. The New Zealand Heavy Haulage Association Inc. (S616.010) sought an amendment to the standard for relocated buildings in Rule FUZ–R6, consistent with submissions it had made on equivalent rules in other zones. Ms Easton did not support this submission and considered it would result in new pre-built residential housing being moved onto a site, potentially requiring a resource consent, as it will not have been previously used as a

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

dwelling. She also did not support the other changes requested and considered these did not improve the clarity or enforceability of the rule. Ms Easton did not recommend any amendments to this rule.

223. Ms Easton supported William McLaughlin (S567.028, S567.674), Chris & Jan Coll (S558.208, S558.642) and Chris J Coll Surveying Limited's (S566.208, S556.642) requests to delete Rule FUZ-R6. She noted the principal issue that the TTPP sought to manage in relation to relocated buildings was amenity issues for adjacent neighbours. She agreed that there were some zones (including the FUZ) where regulation of relocated buildings was unnecessary. She therefore recommended the deletion of the rule.
224. Ms Easton supported GDC's (S608.126) request to amend Rule FUZ-R8 to require records of letting visitor accommodation to be provided annually, instead of on request, because it created a much clearer permitted activity standard and would better enable the Councils to manage compliance.
225. Ms Easton did not support William McLaughlin (S567.676), Chris & Jan Coll (S558.644) and Chris J Coll Surveying Limited's (S566.644) request to delete the advice note regarding NOISE-R3 requirements. She noted an advice note had no legal status and was not part of the rule. She explained the requirements of Rule NOISE-R3 were a District-wide provision and applied regardless of the advice note. She did not recommend any amendments to this rule.
226. Several submission points were received concerning FUZ-R9 Mineral Prospecting and Exploration. Te Mana Ora (S190.1120) sought that this activity did not occur within a Drinking Water Source Protection Zone (**DWSPZ**). Minerals West Coast (S569.027) sought that mineral extraction be added to this rule. William McLaughlin (S567.678), Chris & Jan Coll (S558.646) and Chris J Coll Surveying Limited (S566.646) sought that clause (1) of the rule be amended to refer to authorisations from NZPAM only where these were legally required. William McLaughlin (S567.679), Chris and Jan Coll (S558.647), and Chris J Coll Surveying Limited (S566.647) also sought to extend the timeframe for clause (3), related to topsoil disturbance, until a period after the cessation of mining activity.
227. Ms Easton considered the most appropriate approach to Rule FUZ-R9 was to be consistent with the recommendations of the Mineral Extraction s42A Report, where these issues were canvassed. She noted the Mineral Extraction s42A Report did not recommend changes to the timeframe for land disturbance stabilisation and therefore did not support changes. She did not support Minerals West Coast's request to expand the permitted activity to include mineral extraction because mineral extraction can involve the use of hazardous substances and affect hydrology, potentially leaving the land in a state unsuitable for urban development. She supported a requirement that the activity be authorised under a prospecting or exploration permit from NZPAM, where this is required.
228. Ms Easton did not support the submission of Te Mana Ora because no DWSPZ had been identified on the West Coast. She also did not support Forest and Bird's (S560.0542) request that all mining activities require consent and that an ecological assessment be required for all resource consent applications. She considered there were circumstances where an ecological assessment would not be required, particularly concerning mineral prospecting and exploration.
229. Ms Easton recommended the following amendments to Rule FUZ – R9:

FUZ - R9 Mineral Prospecting and Exploration

Activity Status Permitted

Where:

- a. This is authorised under a prospecting or exploration permit from NZPAM **where legally required;**
- b. Notice is provided to the relevant District Council Consent Authority 5 working days ahead of work being undertaken;
- c. Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred;
- d. The site shall be rehabilitated generally to its original condition; and
- e. All stripped material (including vegetation, soil and debris) is deposited or contained in such a manner that it does not enter any waterbody or cause the destruction of habitat.

Activity status where compliance not achieved: Restricted Discretionary

230. In relation to Rule FUZ – R10, William McLaughlin (\$567.680), Chris & Jan Coll (\$558.649) and Chris J Coll Surveying Limited William McLaughlin (\$567.680), Chris & Jan Coll (\$558.649) and Chris J Coll Surveying Limited (\$566.649) (\$566.649) sought that this rule be amended to provide a clearer idea of what a Structure Plan is and to ensure that its formulation involves community consultation. Ms Easton supported these submissions and considered that the most appropriate way to do this was through the inclusion of a new appendix to the Plan, which spelt out the process by which such a structure plan should be developed. She proposed this be based on the Quality Planning best practice⁶¹. She also recommended that Rule FUZ–R10 be amended to refer to the requirement that the structure plan be prepared in accordance with the new appendix.
231. Ms Easton recommended amendments to Rule FUZ – R10 as follows:

FUZ - R10 Any Activity provided for as a Permitted Activity within the relevant Urban Zone

Activity Status Permitted

Where:

- a. The relevant District Council has made a Resolution to activate the Future Urban Zone for urban uses; and
- b. A Structure Plan has been prepared **in accordance with Appendix XXX** for the site and adopted by the relevant District Council; and
- c. The activity, use and development are in accordance with the Permitted Activities in the Zone(s) identified in the adopted Structure Plan.

Activity status where compliance not achieved: Refer to relevant Zone rules

232. Ms Easton did not support Forest and Bird's (\$560.395) request delete FUZ-10 due to concern it would allow permitted activities to occur ahead of a rezoning plan change and the potential for site-specific issues that require specific management that would not be achieved under the permitted zone rules. She noted that this rule was drafted with the understanding that the process of preparing a structure plan was in itself significant and would be costly for the relevant Council in a community where there were substantial

⁶¹ <https://www.qualityplanning.org.nz/node/1139>.

financial constraints. Ms Easton supported the current approach of allowing the Council to approve the implementation of the structure plan ahead of any plan change.

Activities Requiring Resource Consent: FUZ – R11, FUZ – R18 Relocated Buildings

233. Ms Easton supported the submission points from William McLaughlin (S567.029, S567.681, S567.030, S567.688), Chris & Jan Coll (S558.219, S567.681, S558.230, S558.657) and Chris J Coll Surveying Limited (S566.219, S566.650, S566.230, S566.657) seeking that Rule FUZ – R11 and references to relocated buildings in Rule FUZ – R18 be deleted. For the same reasons provided concerning Rule FUZ–R6, Ms Easton did not consider this rule needed in this zone and recommended it be deleted.
234. William McLaughlin (S567.689), Chris & Jan Coll (S558.658) and Chris J Coll Surveying Limited (S566.689) sought that clause (1) of FUZ–R18, requiring compliance with FUZ–R3, be deleted. William McLaughlin (S567.690), Chris & Jan Coll (S558.660) and Chris J Coll Surveying Limited (S566.660) also sought that FUZ–R18 not default to a non-complying activity. Ms Easton supported these submissions. She considered that the reference to Rule FUZ–R3 was unnecessary because it was a non-complying activity to establish residential activities lower than those set out in Rule FUZ– R3 and therefore, there was no necessity to refer to FUZ–R3 in a rule about relocated buildings and other minor structures. Ms Easton recommended the following amendments to Rule FUZ–R18:

**FUZ - R18 Relocated Buildings, Minor Structures, Fences, Walls and Retaining Walls, Community Facilities and Camping Grounds not meeting Permitted, Controlled or Restricted Discretionary Activity Standards
Activity Status Discretionary**

Where:

1. The performance standards for Rule FUZ-R3 are complied with.

Activity status where compliance not achieved: Non-complying

FUZ – R12, FUZ – R13, FUZ -R14, FUZ – R16, FUZ -R17

235. William McLaughlin (S567.682, S567.683, S567.684, S567.686, S567.687) Chris & Jan Coll (S558.651, S558.652, S556.653, S558.655, S558.656) and Chris J Coll Surveying Limited (S566.651, S566.652, S566.653, S566.655, S566.656) sought that pre-existing non-compliance with the standards in Rule FUZ – R1 and FUZ -R3 not preclude the application of these rules. Ms Easton did not support these submissions for the reasons outlined above. She noted FUZ was a “*holding pattern*” zone ahead of it being used for urban purposes. non-compliance required careful consideration. Ms Easton did not recommend any amendments to these rules.

FUZ – R15 – Mineral Extraction, Mineral Prospecting, Mineral Exploration not meeting Permitted Activity Standards

236. Te Mana Ora (S190.1126) partially supported this rule but sought an overlay for drinking water infrastructure development and the exclusion of DWSPZ from mineral prospecting activities. Ms Easton did not support this because DWSPZ were yet to be established. She also stated that this was primarily a matter regulated through the NES – Drinking Water, which is administered at a regional level and not through district plans.

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

237. William McLaughlin (S567.685), Chris & Jan Coll (S558.654), and Chris J Coll Surveying Limited (S566.654) supported the rule in principle but considered that clauses (a) and (b) did not provide sufficient certainty. Ms Easton did not support these submissions. She considered that the objectives and policies for the zone provide good information to support the assessment of these activities.
238. Ms Easton did not recommend any amendments to this rule.

FUZ – R19 Agricultural, Pastoral and Horticultural Activities

239. Ms Easton acknowledged the support of Te Mana Ora (S190.1130) and Forest and Bird (S560.396) for this rule.
240. William McLaughlin (S567.6891, S567.692), Chris & Jan Coll (S558.661, S558.662) and Chris J Coll Surveying Limited (S566.661, S566.662) sought to delete clause (1), which excluded intensive indoor primary production from the rule. Ms Easton did not support this submission. She noted that intensive indoor primary production facilities typically require significant capital investment and are often incompatible with residential urban use. Therefore, she noted, allowing the establishment of an intensive indoor primary production facility could preclude future urban uses establishing on nearby sites, or lead to significant reverse sensitivity issues.
241. Ms Easton did not recommend any amendments to this rule.

FUZ – R20 – FUZ -R24 Non complying activities

242. Ms Easton acknowledged the support of Te Mana Ora (S190.1131, S190.1132, S190.1133, S190.1134, S190.1135) for these rules; and Forest and Bird (S560.397) for their support of FUZ–R23.
243. William McLaughlin (S567.693), Chris & Jan Coll (S558.663), Chris J Coll Surveying Limited (S566.663) and Laura Coll McLaughlin (S574.663) sought that these rules be deleted. Ms Easton did not support those submissions. She noted that the submitters provided no reasons for the deletion other than “*the rules are not appropriate and are too restrictive*”. As discussed above, she considered that the rules were deliberately restrictive to avoid inappropriate activities being located in what will be future urban land.
244. Ms Easton did not recommend any amendments to these rules.

SUB – R12 Subdivision of land to create allotment(s) within the FUZ – Future Urban Zone

245. Ms Easton acknowledged the support of Te Mana Ora (S190.427) for the rule as notified.
246. Buller Conservation Group (S552.120) and Frida Inta (S552.120) sought that clause (g) be amended to include effects on “*existing amenity values, the quality of the environment and natural character*”. They also sought to have the clause amended to refer to historic heritage. Ms Easton supported these submissions in part. She noted that in terms of existing amenity and natural character values, the FUZ was intended to be urbanised. Therefore, she considered that there would be a significant change in both the type of amenity provided (from a rural character to an urban character) and inevitably, the area would become less natural as urban uses and infrastructure were developed. However,

she noted that the natural character of waterbodies remained an important consideration in FUZ areas and supported the addition of a reference to this.

247. Ms Easton did not support the inclusion of the existing quality of the environment within the assessment criterion. She noted that this was an unclear matter to assess in an environment where significant change was expected. However, she did support the inclusion of historic heritage, as this is a relevant matter alongside notable trees and Poutini Ngāi Tahu values.
248. Toka Tū Ake EQC (S612.100) and BDC (S538.259) sought that natural hazards and geotechnical constraints be included in the matters of discretion. Ms Easton supported this and considered it particularly important as one area of FUZ was located within a land instability hazards overlay, and that other FUZ may also be identified as subject to land instability hazards in the future.
249. Margaret Montgomery (S446.056) sought greater direction from the Plan regarding subdivision in the FUZ. Chris and Jan Coll (S558.234), William McLaughlin (S567.303), and Chris J Coll Surveying Limited (S566.234) sought to amend the rule so that it did not apply until a robust development or concept plan was approved. Ms Easton supported these submissions in part. She noted that the rule currently allowed only for subdivision to 4 ha (the key performance standard) but was silent on subdivision where this was in accordance with the structure plan developed. Ms Easton considered that the rule needed to be modified to include a requirement that any subdivision be in accordance with a structure plan developed for the site. She recommended that this be a performance standard.
250. William McLaughlin (S567.306), Chris and Jan Coll (S558.237), and Chris J Coll Surveying Limited (S566.237) sought that the activity status, where there is non-compliance, should be discretionary and not non-complying. Ms Easton did not support these submissions. She considered that, in order to achieve the intent of the zone, a precise requirement was necessary for development to be consistent with the zone's objectives and policies, and that a non-complying activity status was necessary to achieve this.
251. Chris and Jan Coll (S558.235) and Chris J Coll Surveying Limited (S566.235) sought that the reference in clause (h) to *"the need for access to be provided to any esplanade reserve or strip created"* be deleted. Ms Easton noted that the submitters provided no reasons for this and she did not support the submissions. She noted that public access was a key reason for establishing esplanade reserves and strips and she therefore considered the reference entirely appropriate.
252. William McLaughlin (S567.305), Chris and Jan Coll (S558.236) and Chris J Coll Surveying Limited (S566.236) sought that clause (i) *"Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control"* be deleted. Ms Easton did not support those submissions because no reasons were provided as to why this clause was opposed. She considered that it was reasonable that these construction effects were appropriately managed through consent conditions.
253. Westpower Limited (S547.382) sought that clause (j) be amended to refer to *"critical infrastructure (including energy activities)"*. Ms Easton supported this submission in part. She considered that reverse sensitivity impacts on regionally significant infrastructure were an important issue. She did not support the term *"including energy activities"* as these are a subset of network utilities and/or regionally significant infrastructure.

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

254. Westpower Limited (S547.383) sought an additional matter of discretion to be added to the rule in relation to *“the provision of easements, including for both existing and proposed energy activities and associated infrastructure”*. Ms Easton did not support this submission as she considered that this matter was adequately dealt with in standard SUB-S10, which was a compliance requirement in the rule.
255. Waka Kotahi NZTA (S450.127) sought that clause (d) be amended to include transport infrastructure and that a new clause be added around adverse effects on existing infrastructure. Ms Easton supported this submission and considered these to be important and relevant matters for consideration in future subdivision of the urban zone.
256. BDC (S538.265) sought that the reference to notable trees in clause (g) include reference that these were identified in Schedule Two. Ms Easton supported this submission as it clarified which trees are notable. As a consequential amendment to her recommendation that amended to *or notable trees identified in Schedule Two within or adjacent to the site’*. to
257. Ms Easton recommended amendments to Rule SUB – R12 as follows:

SUB - R12 Subdivision of land to create allotment(s) within the FUZ - Future Urban Zone

Activity Status Restricted Discretionary

Where:

1. All Subdivision Standards are complied with; except that
2. **Compliance with SUB -S1 is not required when the subdivision is in accordance with any structure plan that has been adopted by the relevant district council for the Future Urban Zone area.**

Discretion is restricted to:

- a. The size, design, shape, location and layout of allotments;
- b. The extent to which the subdivision will be consistent with the Objectives and Policies for the Future Urban Zone and Policy SUB - P5
- c. Where relevant consistency with the NZS 4404 Code of Practice for Land Development and Subdivision infrastructure;
- d. The provision of infrastructure and services for **transport**, drinking water, wastewater and stormwater, telecommunications and energy;
- e. The adequacy of water supply for firefighting;
- f. The requirement for financial contributions as outlined in Rules FC–R1 to FC–R12;
- g. Effects on Poutini Ngāi Tahu values, **historic heritage identified in Schedule One, natural character of waterbodies** or notable trees **identified in Schedule Two** within or adjacent to the site;
- h. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;
- i. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; ~~and~~

- j. Management of potential reverse sensitivity effects on existing land uses, including network utilities, rural activities, **regionally significant infrastructure** or significant hazardous facilities;
- k. **Management of adverse effects on existing infrastructure;**
- l. **Management of natural hazards and any geotechnical constraints; and**
- m. **The extent to which area - wide land stability measures are undertaken on potentially unstable slopes prior to development.**

258. Ms Easton recommended adding a new appendix to the Plan as follows:

Appendix XXX Structure Plan Requirements

In order to meet the requirements of Rule MUZ – R10 the structure plan shall be prepared using the following process.

Process

1. SCOPING AND PROJECT PLANNING

The scoping and project planning phase of structure planning shall include the following considerations:

- a. Defining the area of the structure plan
- b. An initial review of existing information on the area
- c. Constraints identification and analysis
- d. The overall outcomes desired of the structure plan:
- e. Development and implementation timeframes including infrastructure sequencing
- f. Identification of key stakeholders
- g. The resources required for the structure planning process and implementation:
- h. Risk assessment

2. COMMUNITY AND STAKEHOLDER CONSULTATION

Consultation will be undertaken with the following stakeholders as a minimum

- a. stormwater, wastewater and roading engineer at the relevant district council
- b. parks, and community facilities staff at the relevant district council
- c. those who will be responsible for budgeting and finance in the planning and implementation phases of the structure plan
- d. landowners and occupiers of the area affected by the structure plan;
- e. landowners adjoining the area being structure planned
- f. the New Zealand Transport Agency
- g. public agencies responsible for social/community infrastructure (Ministry of Education, Ministry of Health and other health service providers etc.)
- h. Network utility providers

A well-defined consultation process similar to Schedule 1 of the RMA and section 82 of the LGA should be followed for the structure plan, so that the plan can be given some weight in any subsequent RMA consent processes. A structured submission and hearing processes is required for the draft structure plan, prior to its adoption.

3. ENGAGEMENT WITH POUTINI NGĀI TAHU

Poutini Ngāi Tahu should be engaged with at the commencement of the structure planning process to gauge their level of interest and role that they wish to play in the process.

Depending on the nature of the structure plan, Poutini Ngāi Tahu involvement could include:

- a. representation on a steering group that will guide the structure plan process
- b. preparation of a cultural impact assessment or other reports and analysis documents
- c. examining ways to facilitate Māori development opportunities, including development of Māori land
- d. projects involving the identification of places and areas of significance
- e. being consulted, receiving regular updates or being kept informed.

4. RESEARCH AND INFORMATION ANALYSIS

The research and analysis phase is a core component of the structure plan process. This research and analysis should build on the work carried out in the scoping phase and may run parallel to consultation, with each helping inform the other. Research and analysis should therefore be ongoing and detailed information obtained during this phase can be used to refine the final design.

Research and analysis should include a review of all available relevant existing information on the area being structure planned. Further research and investigation may need to be undertaken where critical information gaps are identified. Depending on the issues identified, the outcomes desired and the information already available, research and investigation may need to be carried out into:

- a. Existing and desired urban form:
- b. Natural resources and environmental constraints:
- c. Open space and recreational opportunities:
- d. Landscape and visual amenity:
- e. Natural hazards and land suitability:
- f. Māori culture and heritage:
- g. Infrastructure (roading and transport, stormwater management, energy supply, telecommunications, roading and transport):

5. URBAN DESIGN REQUIREMENTS

Structure plans can play an important part in achieving good urban design and promoting quality outcomes. As a starting point for promoting good urban design the New Zealand Urban Design Protocol identifies seven essential design qualities

that should also act as guiding considerations in the structure planning process. These are referred to as the seven Cs: Context, Character, Choice, Connections, Creativity, Custodianship and Collaboration.

6. GENERATION AND EVALUATION OF ALTERNATIVES

The alternatives need not be developed to a highly detailed level, and could take the form of concept drawings or sketches (and an accompanying statement or explanation) until such time as they are either discarded or selected for further work or refinement.

7. FINALISING THE STRUCTURE PLAN

A formal consultation and adoption process is required with the opportunity for written submissions and a hearing of these by decision makers. This could be integrated with consultation processes under the LGA for the LTP or annual plan which may be beneficial to provide efficiencies and alignment given the direct relationship between these plans, especially in relation to infrastructure provision.

Hearing and Submitter Evidence/Statements

259. Mr Bhana-Thomson, for the New Zealand Heavy Haulage Association, reiterated the request for recognition in the FUZ that relocated buildings for non-residential purposes may occur.
260. Mr Kennedy, on behalf of Westpower Limited, confirmed that Ms Easton's recommended amendment to SUB-R12 (j) would achieve the outcome sought in the submission (S547.382). He also considered that further amendments were required in the FUZ Rules, including SUB-R12, to include the following additional matter of discretion:

n. The provision of easements, including for both existing and proposed energy activities and associated infrastructure.

Reporting Officer Reply Evidence

261. In response to queries from the Panel on the KiwiRail evidence on FUZ-R1 (seeking a setback from the rail corridor from both buildings and structures) Ms Easton advised that she did not oppose the addition of the word 'structures' into the setback standards for the rail corridor within this rule.

Hearing Panel's Evaluation

262. In relation to rules **FUZ-R1 to FUZ-R10**, the Panel agrees with Ms Easton's analysis of submissions seeking amendment to these rules and her reasons for recommending those submissions be rejected or accepted in part.
263. The Panel accept Ms Easton's reasons and recommendation that Rules **FUZ-R1, FUZ-R2, FUZ-R4, FUZ-R7, and FUZ-R8** should not be amended so that any pre-existing non-compliance with noted performance standards.
264. The Panel agree with Ms Easton that where compliance is not achieved with Rule FUZ-R1, the activity status should be discretionary and not controlled because the intent of the FUZ

is a “holding pattern” zone, and the rules are deliberately strict to avoid compromising future urban form and development.

265. The Panel agree with Ms Easton that **FUZ-R3** should not be amended to be more enabling of residential activities because the intent of the FUZ as a “holding pattern” zone and to avoid compromising future urban form and development. The Panel recommend no changes, except a consequential amendment to the advice note to add the Haast Airfield.
266. Regarding Rule **FUZ-R6**, the Panel agree that the principal issue the TTPP seeks to address in relation to relocated buildings is amenity concerns for adjacent neighbours. We consider that the zone is intended for future urban use and therefore relocated buildings should be treated the same in this zone as in other residential settings. For that reason, we recommend retaining the rule, with the same amended wording as similar rules in the residential zones (e.g. GRZ), with reference to new Appendix Eleven.
267. In relation to **Rule FUZ-R8**, the Panel accept Ms Easton’s analysis of GDC’s (S608.126) request to amend the rule to require records of letting visitor accommodation to be provided annually, instead of on request. We agree this amendment creates a much clearer permitted activity standard and will Councils to manage compliance. However, we note this amendment was not shown in Appendix 1 of the Right of Reply, which we consider was an oversight. We also accept Ms Easton’s recommendation not to delete the advice note regarding NOISE-R3. We agree with Ms Easton that the requirements of NOISE-R3 are a District-Wide provision and apply regardless of the Advice Note.
268. In relation **Rule FUZ-R9**, the Panel consider it is appropriate to be consistent with the recommendations in the Mineral Extraction Recommendation Report. We recommend consequential changes to be consistent with the equivalent rules in the GRUZ, RLZ, SETZ and OSZ. We consider the submissions points seeking to delete this rule provide wide scope to change the rule. We recommend changing the default activity status from restricted discretionary to discretionary, which is consistent with the recommendations for equivalent rules addressed in the Mineral Extraction Recommendation Report.
269. In relation Rule **FUZ-R10**, the Panel agree that this rule should be amended to provide a clearer idea of what a Structure Plan is and to ensure that its formulation involves community consultation. We accept Ms Easton’s view that the most appropriate way to do is by including a new appendix. We consider it is appropriate that the new appendix be based on the Quality Planning best practice. We accept the recommended amendments to the rule and the content of the new appendix (as Appendix Twelve in the Plan).
270. In relation to Rule **FUZ-R11**, the Panel disagree with Ms Easton’s reasons and recommendation to delete the rule and references to relocated buildings in Rule FUZ-R18, as a consequence of retaining Rule FUZ-R6.
271. In relation to Rules **FUZ-R12, FUZ-R13, FUZ-R14, FUZ-R16, FUZ-R17**, the Panel agree with Ms Easton’s reasons and recommendation to retain the rules as notified.
272. In relation to Rule **FUZ-R15**, the Panel agree with Ms Easton’s reasons for not supporting the Te Mana Ora (S190.1126) submission to develop an overlay for drinking water infrastructure and to exclude mineral prospecting activities from DWSPZ. We agree this is primarily a matter regulated through the NES – Drinking Water at the regional level. We also agree with her recommendation to reject the submissions seeking the deletion of clauses (a) and (b) given the objectives and policies for the zone provide good information

to support an assessment of these activities. The Panel consider it necessary to ensure consistency with recommendations in the Minerals Extraction Recommendations Report for rules in other zones managing the same activity, which would be consequential in nature and related to amendments to FUZ-R9.

273. In relation to **FUZ-R18**, the Panel does not accept Ms Easton's recommendation to delete the reference to '*Relocated buildings*' in the heading of the rule, as a consequence of retaining FUZ-R6.
274. The Panel agrees with Ms Easton's analysis in the s42A Report (paragraph 127) that it is not necessary for Rule FUZ-R18 to refer to Rule FUZ-R3 given it relates to minor structures, fences walls and retaining walls, community facilities and camping grounds not meeting the permitted, controlled or restricted discretionary rules. However, the Panel notes that Ms Easton's recommended amendments shown in Appendix 1 of the s42A Report and Appendix 1 of the Right of Reply do not align with the analysis provided in the s42A Report where the submission points outlined were supported. We note Appendix 2 of the s42A Report records the submission points S567.689, S558.658 and S566.658 requesting the deletion of the reference to Rule FUZ-R3 were recommended to be rejected; and the submission points S567.690, S558.660 and S566.660 requesting amending the default status from '*Non complying*' to '*N/A*' were also recommended to be rejected.
275. The Panel agrees with Ms Easton that the reference to Rule FUZ-R3 is not necessary and accept submission points S567.689, S558.658 and S566.658 to delete this clause. We also agree that given the activities included in the discretionary activity rule, the default should be changed from '*Non complying*' to '*N/A*'; and accept submission points S567.690, S558.660 and S566.660.
276. In relation to Rule **FUZ-R19**, the Panel agree with Ms Easton that clause (1), which excludes intensive indoor primary production from this rule, should not be deleted. We agree that the establishment of an intensive indoor primary production facility could preclude future urban uses establishing on nearby sites or lead to significant reverse sensitivity issues. We recommend no changes to the rule.
277. In relation to Rules **FUZ-R20 to FUZ-R23**, the Panel accept Ms Easton's recommendation to retain the rules as notified to prevent inappropriate activities from locating in what will become future urban land.
278. In relation to **SUB-R12**, the Panel accepts Ms Easton's reasoning and recommendation to add a new clause (2) so that compliance with SUB-S1 is not required when the subdivision is in accordance with any structure plan that has been adopted by the relevant district council for the FUZ area. We agree this amendment recognises that a structure plan development process would identify and resolve any issues in a manner that resulted in there being no need to comply with SUB-S1. We also accept her recommended amendment to require subdivision to be in accordance with a structure plan developed for the site.
279. The Panel agree with Ms Easton's partial support for the Toka Tū Ake EQC (S612.109) submission that sought to include global land stability mitigation measures in the rule framework for future urban zones in areas subject to land instability, rather than allowing *ad-hoc* development on potentially unstable slopes. We accept the subdivision provisions are the appropriate place to achieve this outcome given this would be a precursor to land development. We agree that Rule SUB-R12 is the relevant rule to FUZ and agree with the

recommendation to include a new matter of discretion “*the extent to which area-wide land stability measures are undertaken on potentially unstable slopes prior to development*”. We recommend SUB-R12 is amended in this manner.

280. The Panel agree with Ms Easton’s reasons and recommendation to amend SUB-R12(d) to include transport infrastructure and to add a new clause in relation to adverse effects on existing infrastructure. We agree with her recommended amendments to clause (g) given natural character of waterbodies, historic heritage and notable trees are important considerations in FUZ areas. We also agree that natural hazards and geotechnical constraints should be included as matters of discretion for the reasons Ms Easton details.
281. The Panel accept Ms Easton’s recommendation that a non-complying activity status when compliance is not achieved with the subdivision standards within the FUZ under SUB-R12 is necessary to achieve the intent of the zone and to ensure development is consistent with the zone’s objectives and policies. We also accept her recommendation to amend clause (j) to include potential reverse sensitivity effects on regionally significant infrastructure.
282. The Panel consider that there is a need to also reference indigenous biodiversity values in SUB-R12 to connect with the matter included in Appendix Twelve as part of the structure plan development.
283. In relation to **FUZ-24** the Panel note that this type of ‘catch-all’ rule and that such rules often have a Discretionary activity status in other Plans, and we noted that we have recommended such a status in other chapters. In this case we considers, for reasons of consistency, that the activity status of FUZ-24 should be revised to Discretionary.

Hearing Panel’s Recommendation

284. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend that the following changes to the **Future Urban Zone rules**:

Future Urban Zone Rules
Permitted Activities
FUZ - R1 Agricultural, Pastoral and Horticulture Activities and Buildings
Activity Status Permitted Where: <ol style="list-style-type: none">1. The maximum gross ground floor area of a single building is 500m²;2. Maximum building height above ground level is 10m;3. Buildings are setback a minimum of 10m from the road boundary, 5m from side boundaries and 20m from rear boundaries; and4. The minimum separation distance between buildings housing more than 10 animals or commercial livestock and a residential/settlement/rural lifestyle zone boundary shall be 30m and from any residential building on another site 50m, and from any other boundary 20m.
Activity status where compliance not achieved: Discretionary

FUZ - R2 Conservation and Recreation Activities

Activity Status Permitted

Where:

1. All performance standards for Rule FUZ - R1 are complied with.

Activity status where compliance not achieved: Discretionary

FUZ - R3 Residential Activities and Residential Units

Activity Status Permitted

Where:

1. All performance standards for Rule FUZ - R1 are complied with.
2. Residential unit density is no more than one unit per 4ha net site area except where the site is already in existence at the date of notification of the Plan;
3. There is a maximum one⁶² residential building per site;
4. There is no more than one⁶³ minor residential unit with a maximum gross floor area of 65m² where this is located within 20 metres of and shares the driveway with the principal residential dwelling; and
5. Any minor residential unit shares a driveway with the site's principal residential unit.

Advice Note:

Where a residential building or noise sensitive activity is located within:

1. 80m of a State Highway with a speed limit of 70kph or greater; or
2. 40m of a State Highway with a speed limit of less than 70kph; or
3. 40m of a Railway Line; or
4. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
5. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports, **Haast Airfield**,⁶⁴ or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Non-complying

FUZ - R4 Minor Structures

Activity Status Permitted

Where:

1. All performance standards for Rule FUZ - R1 are complied with.
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4m in height; and
5. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Controlled

FUZ - R5 Fences, Walls and Retaining Walls

Activity Status Permitted

⁶² RMA First Schedule Clause 16(2)

⁶³ RMA First Schedule Clause 16(2)

⁶⁴ Consequential amendment Laurence McGuire S458.001

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

Activity status where compliance not achieved: Discretionary

—FUZ - R6 Relocated Buildings

Activity Status Permitted

Where:

- a. All performance standards for Rule FUZ - R1 and FUZ - R3 are complied with;
- b. Any relocated building intended for use as a dwelling must have been designed, and built, ~~to be~~ **and**⁶⁵ used as a dwelling;
- c. A building pre-inspection report **completed in accordance with Appendix Eleven**⁶⁶ shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12 month period **of the building being delivered to the site; and**⁶⁷
- d. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; ~~and~~
- e. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~⁶⁸

Activity status where compliance not achieved: Controlled

FUZ - R7 Home Business

Activity Status Permitted

Where:

1. All performance standards for Rules FUZ - R1, FUZ - R3, NOISE - R1, -R2, -R4 and -R5, LIGHT - R1 and ~~R34~~ and SIGN - R15 are complied with;
2. There is a maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week; and
3. No external generation of dust, odour or smoke occurs as part of the activity.

Activity status where compliance not achieved: Restricted Discretionary

FUZ - R8 Visitor Accommodation

Activity Status Permitted

Where:

1. This is ancillary to a residential, conservation or rural activity;

⁶⁵ New Zealand Heavy Haulage Association Inc. S616.010

⁶⁶ New Zealand Heavy Haulage Association Inc. S616.010

⁶⁷ William McLaughlin S567.028, S567.674, Chris & Jan Coll S558.208, S558.642 and Chris J Coll Surveying Limited S566.208, S556.642

⁶⁸ William McLaughlin S567.028, S567.674, Chris & Jan Coll S558.208, S558.642 and Chris J Coll Surveying Limited S566.208, S556.642

2. All performance standards for Rules FUZ - R1, FUZ - R3, NOISE - R1, -R2, -R4 and -R5, LIGHT - R1 and -R3~~4~~ and SIGN - R15 are complied with;
3. There are a maximum of six⁶⁹ paying guests at any one time;
4. Notification to the District Council is required at the time of the activity commencing; and
5. Records of letting activity are kept and provided to the Council ~~on request~~ **annually**.⁷⁰

Advice Notes:

1. Compliance with the Building Code is also required.
2. Where a residential building or noise sensitive activity is located within:
 - a. 80m of a State Highway with a speed limit of 70kph or greater; or
 - b. 40m of a State Highway with a speed limit of less than 70kph; or
 - c. 40m of a Railway Line; or
 - d. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
 - e. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports, **Haast Airfield**,⁷¹ or Greymouth or Karamea Aerodrome. Then the acoustic insulation requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Restricted Discretionary

FUZ - R9 Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

1. This is authorised under a prospecting or exploration permit from NZPAM~~New Zealand Petroleum and Minerals, where legally required~~;⁷²
2. Notice is provided to the relevant District Council Consent Authority 105 working days ~~ahead of work being undertaken~~ **prior to any Mineral Prospecting or Mineral Exploration commencing**;
3. ~~Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred;~~⁷³
3. **Any earthworks associated with Mineral Prospecting or Mineral Exploration are undertaken more than 20m from a site boundary**;
4. The site ~~shall be~~ **is progressively** rehabilitated ~~generally~~ **as far as is practicable** to its original condition **prior to activity occurring with rehabilitation to be completed no later than three months after Mineral Prospecting and Mineral Exploration ceases**; and⁷⁴
5. ~~All stripped material (including vegetation, soil and debris) is deposited or contained in such a manner that it does not enter any waterbody or cause the destruction of habitat.~~

Activity status where compliance not achieved: Restricted Discretionary

FUZ - R10 Any Activity provided for as a Permitted Activity within the relevant Urban Zone

Activity Status Permitted

Where:

⁶⁹ RMA First Schedule Clause 16(2)

⁷⁰ Grey District Council S608.126

⁷¹ Consequential amendment Laurence McGuire S458.001

⁷² William McLaughlin S567.678, Chris & Jan Coll S558.646 and Chris J Coll Surveying Limited S566.646

⁷³ William McLaughlin S567.679, Chris & Jan Coll S558.647 and Chris J Coll Surveying Limited S566.647

⁷⁴ William McLaughlin S567.679, Chris & Jan Coll S558.647 and Chris J Coll Surveying Limited S566.647

1. The relevant District Council has made a Resolution to activate the Future Urban Zone for urban uses; and
2. A Structure Plan has been prepared **in accordance with Appendix Twelve**⁷⁵ for the site and adopted by the relevant District Council; and
3. The activity, use and development are in accordance with the Permitted Activities in the Zone(s) identified in the adopted Structure Plan.

Activity status where compliance not achieved: Refer to relevant Zone rules

Controlled Activities

FUZ - R11 Relocated Buildings not meeting Permitted Activity Standards Activity Status Controlled

Where:

1. All performance standards for Rule FUZ - R1 and FUZ - R3 are complied with.

Matters of control are:

- a. Design and location of structures;
- b. Methods of wastewater and stormwater treatment and disposal;
- c. Methods of ensuring safe drinking water supply;
- d. Landscape measures; and
- e. Appearance of buildings.

Activity status where compliance not achieved: Discretionary⁷⁶

FUZ - R12 Minor Structures not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. The minor structure does not exceed 10m in height above ground level; and
2. All other performance standards from Rule FUZ - R1 are complied with.

Matters of control are:

- a. Design and location of structures; and
- b. ~~Landscape measures~~ **Measures to mitigate landscape effects**,⁷⁷.

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

FUZ - R13 Home Business not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

1. This is ancillary to a residential or rural activity; and
2. All performance standards for Rule FUZ - R1 and FUZ - R3 are complied with.

Discretion is restricted to:

- a. Hours of operation, emission of noise and traffic generation;
- b. Compatibility with the character and amenity values of the Future Urban Zone;
- c. Site design, layout and scale;
- d. Adequacy of infrastructure servicing including on-site servicing;

⁷⁵ William McLaughlin S567.680, Chris & Jan Coll S558.649 and Chris J Coll Surveying Limited S566.649

⁷⁶ William McLaughlin S567.029, S567.681, S567.030, S567.688, Chris & Jan Coll S558.219, S567.681, S558.230, S558.657 and Chris J Coll Surveying Limited S566.219, S566.650, S566.230, S566.657

⁷⁷ Consequential Plan-wide amendment Manawa Energy Limited S438.100

- e. Ensuring that the activity avoids constraining the establishment of activities otherwise anticipated within the Future Urban Zone;
- f. The extent to which measures are included that internalise effects and avoid conflict and potential reverse sensitivity effect on activities anticipated within the Future Urban Zone; and
- g. No external generation of dust, odour or smoke occurs as part of the activity.

Activity status where compliance not achieved: Non-complying

FUZ - R14 Visitor Accommodation and Temporary Worker Accommodation not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

- 1. This is ancillary to a residential, rural or conservation activity; and
- 2. All performance standards for Rule FUZ - R1 and FUZ - R3 are complied with.

Discretion is restricted to:

- a. Requirements for record keeping of letting activity;
- b. Hours of operation, emission of noise and traffic generation;
- c. Compatibility with the character and amenity values of the Future Urban Zone;
- d. Site design, layout and scale;
- e. Adequacy of infrastructure servicing including on-site servicing;
- f. Ensuring that the activity avoids constraining the establishment of activities otherwise anticipated within the Future Urban Zone; and
- g. The extent to which measures are included that internalise effects and avoid conflict and potential reverse sensitivity effect on activities anticipated within the Future Urban Zone.

Activity status where compliance not achieved: Non-complying

FUZ - R15 Mineral Extraction, Mineral Prospecting, Mineral Exploration not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Whether the activity could compromise the future intended use of the Future Urban Zone;
- b. The extent to which measures are included that internalise effects and avoid conflict and potential reverse sensitivity effect on activities anticipated within the Future Urban Zone;
- c. Management of access, parking and traffic generation from the site;
- d. Noise, glare, light, dust, blasting and vibration management;
- e. Hours of operation;
- f. Hazardous substances and waste management;
- g. Historic and cultural heritage requirements;
- h. Extent and design of earthworks and indigenous vegetation clearance;
- i. Effects on ecological values including any threatened fauna or their habitats;
- j. Design and location of ancillary buildings, structures and infrastructure;
- k. Overburden management;
- l. Monitoring, reporting and community liaison requirements;
- m. Financial contributions and any requirement for bonds;
- n. Potential for reverse sensitivity effects; and

- o. Site rehabilitation and mine closure requirements.

Activity status where compliance not achieved: N/A

FUZ -R16 Community Facilities

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule FUZ - R1 and FUZ - R3 are complied with.

Discretion is restricted to:

- a. Compatibility with the character and amenity values of the Future Urban Zone;
- b. Site design, layout and scale;
- c. Adequacy of infrastructure servicing including on-site servicing;
- d. Ensuring that the activity avoids constraining the establishment of activities otherwise anticipated within the Future Urban Zone; and
- e. The extent to which measures are included that internalise effects and avoid conflict and potential reverse sensitivity effect on activities anticipated within the Future Urban Zone.

Activity status where compliance not achieved: Discretionary

FUZ -R17 Camping Grounds

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule FUZ - R1 and FUZ - R3 are complied with.

Discretion is restricted to:

- a. Compatibility with the character and amenity values of the Future Urban Zone;
- b. Site design, layout and scale;
- c. Adequacy of infrastructure servicing including on-site servicing;
- d. Ensuring that the activity avoids constraining the establishment of activities otherwise anticipated within the Future Urban Zone; and
- e. The extent to which measures are included that internalise effects and avoid conflict and potential reverse sensitivity effect on activities anticipated within the Future Urban Zone.

Activity status where compliance not achieved: Discretionary

Discretionary Activities

FUZ - R18 Relocated Buildings, Minor Structures, Fences, Walls and Retaining Walls, Community Facilities and Camping Grounds not meeting Permitted, Controlled or Restricted Discretionary Activity Standards

Activity Status Discretionary

Where:

1. ~~The performance standards for Rule FUZ - R3 are complied with.~~⁷⁸

Activity status where compliance not achieved: ~~Non-complying~~ **N/A**⁷⁹

⁷⁸ William McLaughlin S567.689, Chris & Jan Coll S558.658 and Chris J Coll Surveying Limited S566.658

⁷⁹ William McLaughlin S567.690, Chris & Jan Coll S558.660 and Chris J Coll Surveying Limited S566.660

FUZ – R19 Agricultural, Pastoral and Horticultural Activities not meeting Rule FUZ - R1

Activity Status Discretionary

Where:

1. There is no intensive indoor primary production being undertaken.

Activity status where compliance not achieved: Non-complying

FUZ - R20 Any activity not provided for by another Rule in the zone

Activity Status ~~Non-complying~~ **Discretionary**⁸⁰

Activity status where compliance not achieved: N/A

Non-Complying Activities

FUZ - R21 Residential Activities not provided for as a Permitted Activity

Activity Status Non-complying

Activity status where compliance not achieved: N/A

FUZ - R22 Commercial Activities including Visitor Accommodation and Home Business not provided for in another rule within the Future Urban Zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

FUZ - R23 Industrial Activities including Rural Industrial Activities

Activity Status Non-complying

Activity status where compliance not achieved: N/A

FUZ - R24 Intensive Indoor Primary Production

Activity Status Non-complying

Activity status where compliance not achieved: N/A

285. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the submission points identified in the footnote below is accepted or accepted in part, and recommend adding a new appendix as follows:

Appendix Twelve Structure Plan Requirements⁸¹

In order to meet the requirements of Rule FUZ – R10, the Structure Plan must be prepared using the following process:

Process

1. SCOPING AND PROJECT PLANNING

⁸⁰ William McLaughlin S567.693, Chris & Jan Coll S558.663 and Chris J Coll Surveying Limited S566.663, Laura Coll McLaughlin (S574.663)

⁸¹ William McLaughlin S567.680, Chris & Jan Coll S558.649 and Chris J Coll Surveying Limited S566.649

The scoping and project planning phase of structure planning shall include the following considerations:

- i. **Defining the area of the structure plan**
- j. **An initial review of existing information on the area**
- k. **Constraints identification and analysis**
- l. **The overall outcomes desired of the structure plan:**
- m. **Development and implementation timeframes including infrastructure sequencing**
- n. **Identification of key stakeholders**
- o. **The resources required for the structure planning process and implementation:**
- p. **Risk assessment**

2. COMMUNITY AND STAKEHOLDER CONSULTATION

Consultation will be undertaken with the following stakeholders as a minimum

- a. **stormwater, wastewater and roading engineer at the relevant district council**
- b. **parks, and community facilities staff at the relevant district council**
- c. **those who will be responsible for budgeting and finance in the planning and implementation phases of the structure plan**
- d. **landowners and occupiers of the area affected by the structure plan;**
- e. **landowners adjoining the area being structure planned**
- f. **the New Zealand Transport Agency**
- g. **public agencies responsible for social/community infrastructure (Ministry of Education, Ministry of Health and other health service providers etc.)**
- h. **Network utility providers**

A well-defined consultation process similar to Schedule 1 of the RMA and section 82 of the LGA should be followed for the structure plan, so that the plan can be given some weight in any subsequent RMA consent processes. A structured submission and hearing processes is required for the draft structure plan, prior to its adoption.

3. ENGAGEMENT WITH POUTINI NGĀI TAHU

Poutini Ngāi Tahu should be engaged with at the commencement of the structure planning process to gauge their level of interest and role that they wish to play in the process.

Depending on the nature of the structure plan, Poutini Ngāi Tahu involvement could include:

- a. **representation on a steering group that will guide the structure plan process**
- b. **preparation of a cultural impact assessment or other reports and analysis documents**
- c. **examining ways to facilitate Māori development opportunities, including development of Māori land**
- d. **projects involving the identification of places and areas of significance**
- e. **being consulted, receiving regular updates or being kept informed.**

4. RESEARCH AND INFORMATION ANALYSIS

The research and analysis phase is a core component of the structure plan process. This research and analysis should build on the work carried out in the scoping phase and may run parallel to consultation, with each helping inform the other. Research and analysis should therefore be ongoing and detailed information obtained during this phase can be used to refine the final design.

Research and analysis should include a review of all available relevant existing information on the area being structure planned. Further research and investigation may need to be undertaken where critical information gaps are identified. Depending on the issues identified, the outcomes desired and the information already available, research and investigation may need to be carried out into:

- a. **Existing and desired urban form:**
- b. **Natural resources and environmental constraints:**
- c. **Open space and recreational opportunities:**
- d. **Landscape and visual amenity:**
- e. **Natural hazards and land suitability:**
- f. **Māori culture and heritage:**
- g. **Infrastructure (roading and transport, stormwater management, energy supply, telecommunications, roading and transport):**

5. URBAN DESIGN REQUIREMENTS

Structure plans can play an important part in achieving good urban design and promoting quality outcomes. As a starting point for promoting good urban design the New Zealand Urban Design Protocol identifies seven essential design qualities that should also act as guiding considerations in the structure planning process. These are referred to as the seven Cs: Context, Character, Choice, Connections, Creativity, Custodianship and Collaboration.

6. GENERATION AND EVALUATION OF ALTERNATIVES

The alternatives need not be developed to a highly detailed level, and could take the form of concept drawings or sketches (and an accompanying statement or explanation) until such time as they are either discarded or selected for further work or refinement.

7. FINALISING THE STRUCTURE PLAN

A formal consultation and adoption process is required with the opportunity for written submissions and a hearing of these by decision makers. This could be integrated with consultation processes under the LGA for the LTP or annual plan which may be beneficial to provide efficiencies and alignment given the direct relationship between these plans, especially in relation to infrastructure provision.

287. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the Subdivision Zone Rules:

SUB - R12 Subdivision of land to create allotment(s) within the FUZ - Future Urban Zone

Activity Status Restricted Discretionary

Where:

1. All Subdivision Standards are complied with; **except that**
2. **Compliance with SUB -S1 is not required when the subdivision is in accordance with any structure plan that has been adopted by the relevant district council for the Future Urban Zone area.**⁸²

⁸² Margaret Montgomery S446.056, Chris & Jan Coll S558.234, William McLaughlin S567.303 and Chris J Coll Surveying Limited S566.234

Discretion is restricted to:

- a. The size, design, shape, location and layout of allotments;
- b. The extent to which the subdivision will be consistent with the Objectives and Policies for the Future Urban Zone and Policy SUB - P5
- c. Where relevant consistency with the NZS 4404 Code of Practice for Land Development and Subdivision infrastructure;
- d. The provision of infrastructure and services for **transport**⁸³ drinking water, wastewater and stormwater, telecommunications and energy;
- e. The adequacy of water supply for firefighting;
- f. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;
- g. Effects on Poutini Ngāi Tahu values, **indigenous biodiversity**,⁸⁴ **historic heritage identified in Schedule One, natural character of waterbodies**⁸⁵ or notable trees **identified in Schedule Two**⁸⁶ within or adjacent to the site;
- h. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;
- i. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; and
- j. Management of potential reverse sensitivity effects on existing land uses, including network utilities, rural activities, **regionally significant infrastructure**⁸⁷ or significant hazardous facilities;
- k. **Management of adverse effects on existing infrastructure**,⁸⁸
- l. **Management of natural hazards and any geotechnical constraints; and**⁸⁹
- m. **The extent to which area - wide land stability measures are undertaken on potentially unstable slopes prior to development.**⁹⁰

2.3. HOSZ - HOSPITAL ZONE – Takiwā Hōhipera

Submissions and Further Submissions

288. Five submissions points and two further submission points were received on the Hospital Zone (**HOSZ**) as a whole. These were summarised in a Table on page 55 of the s42A Report. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

289. Ms Easton acknowledged the general support from WDC for the objectives, policies and rules. She also acknowledged the support of two submitters, for the Hospital Zoning of the property at 190 Queen Street Westport⁹¹.

290. Te Mana Ora sought that the Overview be amended to include the medical centres of Ngākawau, Moana and Whataroa within the HOSZ. Ms Easton noted that as these areas

⁸³ Waka Kotahi NZTA S450.127

⁸⁴ Buller Conservation Group S552.191 and Frida Inta S553.191

⁸⁵ Buller Conservation Group S552.120 and Frida Inta S552.120

⁸⁶ Buller District Council S538.265

⁸⁷ Westpower Limited S547.382

⁸⁸ Waka Kotahi NZTA S450.127

⁸⁹ Toka Tū Ake EQC S612.100 and Buller District Council S538.259

⁹⁰ Toka Tū Ake EQC S612.109

⁹¹ O'Conor Institute Trust Board (S466.001) and Frank and Jo Dooley (S478.044)

were not currently identified as a Hospital Zone and considered a consequential amendment from this submission would be to rezoning these sites HOSZ. She supported this submission in part.

291. Ms Easton noted that when identifying the sites for the HOSZ, these three medical centres were considered. She explained that with the Moana Medical Centre and the Whataroa Medical Centre buildings were located on large sites with other facilities. She noted that to identify these two medical centres as HOSZ required a decision on how to split zone the sites and advised that the submission did not provide sufficient information to enable her to recommend a split zoning. She did not consider it appropriate to rezone the entire title for these sites, as this would mean that in the case of Moana, part of a school would be zoned as HOSZ; and in the case of Whataroa, unrelated residential and commercial development would be HOSZ. For this reason, she invited Te Mana Ora to provide more information on these sites and how they envisage they should be split-zoned at the hearing
292. In the case of the Ngākawau Medical Centre, Ms Easton noted that this occupied the entirety of a site currently zoned Settlement Zone in the proposed Plan. She supported BDC's request (538.606) to rezone the site HOSZ.

Hearing and Submitter Evidence/Statements

293. No evidence was presented at the hearing in relation to the submission points on the HOSZ Chapter as a whole.

Reporting Officer Reply Evidence

294. No other specific points were made in the Reply Evidence regarding the HOSZ Chapter.

Hearing Panel's Evaluation

295. The Panel accepts Ms Easton's reasons for not rezoning the Moana Medical Centre and the Whataroa Medical Centre as HOSZ. We agree that more detailed information is needed before a split zone could be considered. We agree that the rezoning of the Ngākawau Medical Centre is appropriate for the reasons provided by Ms Easton.
296. The Panel notes Ms Easton's recommended inclusion of Ngākawau in the Overview was not shown in Appendix 1 of the s42A Report or Right of Reply and consider this was an oversight by Ms Easton given her analysis in the s42A Report.

Hearing Panel's Recommendation

297. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission point identified in the footnote below is accepted, and recommend the following change to the **Hospital Zone Planning Map**:

Hospital Zone Planning Map

The Ngākawau Medical Centre property at 1B Main Road, Hector is changed from Settlement Zone to Hospital Zone as shown in the map below:⁹²



298. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission point identified in the footnote below is accepted, and recommend that the following changes to the **Hospital Zone Overview**:

HOSPITAL ZONE

Overview

The HOSZ - Hospital Zone applies to the three public hospitals that are located on the West Coast/Te Tai o Poutini. It also applies to major medical centres and aged care facilities. Te Nikau, Grey Hospital and Health Centre is the main public regional hospital and is located in Greymouth/Māwhera. It provides a range of services that are essential to the social wellbeing and health for people and communities throughout the West Coast/Te Tai o Poutini. Buller and Reefton Hospitals provide a range of hospital and health services for the communities within the Buller District.

There are also medical centres at Fox Glacier/Weheka, Franz Josef/Waiiau, Haast, Harihari, Hokitika, **Ngākawau**,⁹³ and Karamea and aged care facilities in Westport/ Kawatiri, Greymouth/Māwhera and Hokitika included within the zone.

The zone's purpose is to provide for efficient and effective operation and development of these regionally important medical facilities. It also provides for ancillary activities that are associated with each hospital, such as pharmacies, offices, administrative activities and commercial activities.

⁹² Buller District Council S538.606

⁹³ Te Mana Ora S190.1136

The sites on which the hospitals are located are predominantly characterised by bulky buildings with large footprints. These buildings tend to generate higher volumes of passenger vehicle traffic compared with typical residential or business activities and as a result, have large areas of sealed parking. Signage is important for wayfinding and providing information about hospital facilities and lighting is important for wayfinding and safety. Sporadic noise is generated from ambulance sirens and helicopters.

Flexibility for medical facilities to develop, upgrade, expand and adapt is important. Some of the facilities run 24 hours per day and have special operational needs and environmental effects. The special purpose is to provide for a degree of operational flexibility, subject to environmental considerations, while ensuring neighbouring communities are aware of what is anticipated within the zone.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for hospital activities, including:

- a. ~~Overlay Chapters~~ the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape; riparian areas; natural hazards; and the coastal environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.⁹⁴
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Hospital Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the West Coast and in some locations natural hazard overlays may affect areas in the Hospital Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.**
- **Coastal Environment - in some locations areas of Hospital Zone may be within the Coastal Environment. The Coastal Environment Chapter contains additional provisions on how these areas must be managed.**
- **Ecosystems and Indigenous Biodiversity – the Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Hospital Zone.**
- **Noise** - The Noise Chapter contains the provisions for managing noise effects from sites in the HOSZ - Hospital Zone.
- **Signs** - The Signs Chapter contains the provisions for signs, including those within the HOSZ - Hospital Zone.
- **Light** - The Light Chapter contains the provisions for artificial outdoor light, including lighting within the HOSZ - Hospital Zone.

⁹⁴ Royal Forest and Bird Protection Society Incorporated S560.391, S560.0541

Definitions and HOSZ – Hospital Zone Objectives and Policies

Submissions and Further Submissions

299. Two submission points⁹⁵ and a further submission point sought amendments to the definition of “*Healthcare and Medical Activities*” to include “*aged care facilities and associated residential activity, including independent living*”.
300. Three submission points in support were received on the HOSZ objectives.
301. Five submission points relating to the HOSZ policies were summarised in a Table on pages 58-59 of the s42A Report. Three submissions sought to retain the provision as notified and two sought amendments.

Section 42A Report

Definitions

302. Ms Easton supported the O’Connor Institute Trust Board (S466.004) and Frank and Jo Dooley’s (S478.047) request to amend the definition of “*Healthcare and Medical Activities*” to include “*aged care facilities*” but did not support the inclusion of the reference to “*associated residential activity, including independent living*” because she considered that the intent of the zone did not support general residential accommodation.
303. Ms Easton recommended the following amendment to the definition of Healthcare and Medical Activities:

Healthcare and Medical Activities

means

- a. medical and psychiatric assessment, diagnosis, treatment, rehabilitation and in-patient services, including operating theatres;
- b. dispensaries;
- c. outpatient departments and clinics;
- d. medical research and testing facilities, including diagnostic laboratories;
- e. medical training and education;
- f. ambulance facilities;
- g. first aid and other health-related training facilities;
- h. rehabilitation facilities, including gymnasiums and pools;
- i. palliative facilities;
- j. hospice facilities;
- k. **aged care facilities**;
- l. ~~k~~ residential care services and facilities;
- m. ~~l~~ temporary living accommodation;
- n. ~~m~~ secure facilities;
- o. ~~n~~ mortuaries; and
- p. ~~o~~ operations and maintenance support services, including laundries, kitchens, cafeterias, refreshment facilities, generators, substation, storage facilities, ancillary offices, ancillary retail, ancillary childcare and ancillary business services and workshops

⁹⁵ The O’Connor Institute Trust Board S466.004 and Frank and Jo Dooley S478.047

Objectives and Policies

304. Ms Easton accepted the submission points to retain the objectives as notified and recommended no changes to the HOSZ objectives.
305. Ms Easton supported the submissions⁹⁶ that sought for aged care facilities to be specifically identified in the policies. She considered that Policy HOSZ-P1, which determines the types of facilities expected within the zone, should also specifically include aged care facilities. In response to Panel questions regarding the inclusion of "*ancillary residential activity, including independent living*", Ms Easton noted that the provisions were very enabling.
306. Ms Easton recommended amendments to HOSZ-P1 as follows:

POLICY HOSZ – P1

Allow activities that are compatible with the role, function and predominant character of the HOSZ - Hospital Zone, including:

- a. Major healthcare activities;
- b. Medical and health services;
- c. Helicopter facilities, including helicopter take-off and associated fuelling and service facilities at Te Nikau Grey Hospital, Buller Integrated Health Facility and Reefton Hospital sites;
- d. Building activities;
- e. Carparking;
- f. Emergency response services;
- g. Temporary accommodation;
- h. Ancillary retail, café and service facilities; ~~and~~
- i. Ancillary community facilities; **and**
- j. **Aged care facilities.**

Hearing and Submitter Evidence/Statements

307. Mr Mark Lile provided a statement of evidence for the O'Connor Institute Trust Board addressing HOSZ-P1. He supported the s42A Report recommendation to add '*aged care facilities*' to the policy and noted this was consistent with the definition of '*Healthcare and Medical Activities*'. However, he noted the submission sought to add '*aged care facilities and associated residential activities, including independent living*'.
308. Mr Lile explained the O'Connor Home site at 190 Queen Street was a large site that could accommodate residential retirement village living as an extension of the activities and services provided at the site. He noted this was not for general residential accommodation but for a partner or spouse whose partner or spouse in in hospital care or the dementia ward on the site. He provided photographs of the site to show the opportunity for residential retirement village (type) living between the existing and consented wings of the buildings and the residential zone.

Reporting Officer Reply Evidence

309. Minute 34 directed that the Reporting Officer meet with Mr Lile, for the O'Connor Institute Trust Board, to discuss the definition of Healthcare and Medical Facilities, a different zoning for the submitter's site and the potential for bespoke provisions. In Reply, Ms Easton noted agreement that a different zoning for the site was not appropriate. She did

⁹⁶ The O'Connor Institute Trust Board S466.003 and Frank and Jo Dooley S478.046

not support a bespoke provision for reasons of plan integrity and complexity. However, based on discussions with Mr Lile, she recommended changes to the definition of *'Healthcare and Medical Activities'* as follows:

Healthcare and Medical Activities

means

- a. medical and psychiatric assessment, diagnosis, treatment, rehabilitation and in-patient services, including operating theatres;
- b. dispensaries;
- c. outpatient departments and clinics;
- d. medical research and testing facilities, including diagnostic laboratories;
- e. medical training and education;
- f. ambulance facilities;
- g. first aid and other health-related training facilities;
- h. rehabilitation facilities, including gymnasiums and pools;
- i. palliative facilities;
- j. hospice facilities;
- k. ~~aged care facilities;~~
- l. ~~residential care services and facilities;~~
- m. ~~temporary living accommodation;~~
- n. **retirement villages where these are ancillary to the hospital activity;**
- o. ~~secure facilities;~~
- p. ~~mortuaries;~~ and
- q. ~~operations and maintenance support services, including laundries, kitchens, cafeterias, refreshment facilities, generators, substation, storage facilities, ancillary offices, ancillary retail, ancillary childcare and ancillary business services and workshops.~~

310. The Reply recorded Ms Easton and Mr Lile agreed that the amendments to this definition would provide for a level of retirement living that was appropriate and addressed the submitter's concerns.

Hearing Panel's Evaluation

311. The note that the notified definition for *'Healthcare and Medical Activities'* is not accurately recorded in the s42A Report (paragraph 180) or in the Right of Reply, as clause (b) *'aged care facilities'* are already included in the notified Plan. We recommend clause (b) is retained as notified.

312. The Panel accepts Ms Easton's recommendation to add a new clause *'retirement villages where these are ancillary to the hospital activity'* and accept the submission points of The O'Connor Institute Trust Board S466.004 and Frank and Jo Dooley S478.047.

313. The Panel also considers this recommended amendment to the definition for *'Healthcare and Medical Activities'* should be reflected in HOSZ-P1. We accept Ms Easton's recommendation to add *'Aged care facilities'* but recommend also adding *'Aged care facilities, including retirement villages where these are ancillary to the hospital activity'*. We accept the submission points of The O'Connor Institute Trust Board S466.003 and Frank and Jo Dooley S478.046.

314. The Panel agrees with Ms Easton's recommendation to retain the HOSZ objectives as notified.

Hearing Panel's Recommendations

315. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the submission points identified in the footnote below are accepted, and recommend that the following changes to the **Definitions**:

Definitions
<p>Healthcare and Medical Activities means</p> <ul style="list-style-type: none"> a. medical and psychiatric assessment, diagnosis, treatment, rehabilitation and in-patient services, including operating theatres; b. aged care facilities; c. dispensaries; d. outpatient departments and clinics; e. medical research and testing facilities, including diagnostic laboratories; f. medical training and education; g. ambulance facilities; h. first aid and other health-related training facilities; i. rehabilitation facilities, including gymnasiums and pools; j. palliative facilities; k. hospice facilities; l. residential care services and facilities; m. temporary living accommodation; n. <u>retirement villages where these are ancillary to the hospital activity;</u>⁹⁷ n-o. secure facilities; o-p. mortuaries; and p-q. operations and maintenance support services, including laundries, kitchens, cafeterias, refreshment facilities, generators, substation, storage facilities, ancillary offices, ancillary retail, ancillary childcare and ancillary business services and workshops

316. The Panel recommends the **HOSZ objectives** are retained as notified, as shown below:

Hospital Zone Objectives
<p>HOSZ-01</p> <p>To ensure the safe and efficient operation, maintenance, upgrading and expansion of the West Coast/Te Tai o Poutini hospitals, medical centres and aged care facilities.</p> <p>HOSZ- 02</p> <p>To recognise the scale, form, nature and use of development at the Te Nikau Grey Hospital, Reefton Hospital and Buller Integrated Health Facility sites. These sites are characterised by:</p> <ul style="list-style-type: none"> a. Large scale grounds and buildings which accommodate major healthcare activities and ancillary support activities; b. A range of scales of buildings; and c. A spacious and open environment.

⁹⁷ The O’Connor Institute Trust Board S466.004 and Frank and Jo Dooley S478.047

317. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the submission points identified in the footnote below is accepted or accepted in part, and recommend the following changes to the **Hospital Zone policies**:

Hospital Zone Policies
<p>HOSZ-P1</p> <p>Allow activities that are compatible with the role, function and predominant character of the HOSZ - Hospital Zone, including:</p> <ol style="list-style-type: none">Major healthcare activities;Medical and health services;Helicopter facilities, including helicopter take-off and associated fuelling and service facilities at Te Nikau Grey Hospital, Buller Integrated Health Facility and Reefton Hospital sites;Building activities;Carparking;Emergency response services;Temporary accommodation;Ancillary retail, café and service facilities; andAncillary community facilities; and<u>Aged care facilities, including retirement villages where these are ancillary to the hospital activity.</u>⁹⁸
<p>HOSZ-P2</p> <p>Require activities within the HOSZ - Hospital Zone to maintain the residential amenity of adjoining residential sites by:</p> <ol style="list-style-type: none">Ensuring structures are of a bulk, height and form that minimises adverse dominance effects on adjoining residential activities;Achieving adequate separation distances and/or setbacks to minimise adverse daylighting and shading effects;Managing adverse noise and light overspill within adjoining residential sites;Providing screening to minimise adverse visual effects for adjoining residential sites; andAvoiding industrial and non-hospital related commercial and residential activities within the zone.

HOSZ - Hospital Zone Rules

Submissions and Further Submissions

318. Six submission points relating to **HOSZ-R1** were summarised in a Table on page 60 of the s42A Report. One submission point supported the retention of the rule as notified. Four submission points sought amendments, and one opposed the rule in part.
319. Two submission points and two further submission points relating to **HOSZ-R2** were summarised in a Table on page 61 of the s42A Report. One submission point supported the

⁹⁸ The O'Connor Institute Trust Board S466.003 and Frank and Jo Dooley S478.046

- retention of the rule as notified. One submission point and two further submission points sought amendments.
320. Two submission points relating to **HOSZ-R3** were received, one supported the retention of the rule as notified and one sought amendment.
321. Two submission points were received supporting **HOSZ-R4** as notified.
322. Two submission points were received supporting **HOSZ-R5** as notified.
323. Four submission points relating to **HOSZ—R6** were summarised in a Table on page 62 of the s42A Report. Two submission points supported the retention of the rule as notified, one submission sought amendment and one requested that the rule be deleted.
324. Three submission points relating to **HOSZ—R7** were summarised in a Table on page 62 of the s42A Report. Two submission points supported the retention of the rule as notified and one sought amendment.
325. Two submission points were received supporting **HOSZ-R8** as notified.
326. Two submission points were received supporting **HOSZ-R9** as notified.
327. Four submission points relating to **HOSZ-10** were summarised in a Table on page 63 of the s42A Report. Two submission points supported the retention of the rule as notified and two supported in part but sought amendments.
328. Two submission points were received supporting **HOSZ-R11** as notified.
329. Two submission points were received supporting **HOSZ-R12** as notified.
330. The Panel has considered the submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

HOSZ – R1

331. Ms Easton acknowledged the support from Te Mana Ora and BDC. She was supportive of BDC's (S538.594) requests to amend clause (6) regarding recession planes for consistency with provisions in other chapters but did not support amendments to clause (4) regarding the screening of waste storage areas.
332. Ms Easton supported the O'Connor Institute Trust Board (S466.005) and Frank and Jo Dooley's (S478.005) request to amend clauses (3) and (5) so that they did not contradict each other. Ms Easton noted that in both instances there was a 5m setback from a residential zone. She acknowledged clause (3) unnecessary and recommended it be deleted.
333. Ms Easton did not support the O'Connor Institute Trust Board (S466.006) and Frank and Jo Dooley's (S478.049) request to reduce the setback from the General Residential Zone boundary from 5m to 2m. She noted that a 5m setback ensured that large buildings, and potentially noisy activities, did not impinge on the amenity values of adjacent residential properties.

334. Ms Easton recommended HOSZ–R1 be amended as follows:

HOSZ – R1

Healthcare and Medical Activities and Buildings Activity Status Permitted

Where:

1. Any ancillary commercial activity does not exceed 200m² gross floor area or 10% of the hospital building footprint per commercial activity per site, whichever is the lesser;
2. The maximum building height above ground level is:
 - a. 12 metres at the Te Nikau Grey Hospital, Reefton Hospital and Buller Integrated Health Centre Site; and
 - b. 10m at all other locations in the zone; and
 - c. This does not include solar water heating components, antennas, aerials, flues, chimneys, satellite dishes (less than 1m in diameter) and architectural features (e.g. finials, spires) that do not exceed the height by more than 1m.
3. ~~The maximum building length is 20m where this is within 5m of an adjoining RESZ–Residential Zone;~~
4. All outdoor rubbish and collection areas must be fully screened with a fence that is 1.8m in height measured from ground level;
5. Any building or structure including car parking areas, outdoor storage and rubbish collection areas must be setback:
 - a. 5m from any RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone; and
 - b. 5m from the road boundary; and
6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to:
 - a. Road boundaries;
 - b. Buildings on adjoining sites that have a common wall along the boundary;
 - c. Boundaries abutting an access lot or right of way, in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
 - d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
 - e. Solar panels and solar water heaters provided; these do not exceed the height in relation to the boundary plane by more than 0.5m vertically.

Advice Note:

1. Where Healthcare and Medical Facilities are located within one of the Natural Hazard Overlays, the relevant rules for sensitive activities and critical response facilities of the Natural Hazards Chapter will apply.
2. Where Healthcare and Medical Facilities are located within the Airport Noise Contour boundary, the acoustic insulation requirements of Rule NOISE - R3 will apply.

3. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**

Activity status where compliance not achieved: Restricted Discretionary

HOSZ – R2

335. Ms Easton acknowledged the support of Te Mana Ora (S190.1142) for Rule HOSZ–R2. She supported BDC's (S538.595) request that medical centres be included within the rule given this was the intention of the rule.
336. Ms Easton recommended HOSZ–R2 be amended as follows:

HOSZ – R2 Helicopter facilities, including helicopter pads and associated fuelling and servicing facilities.

Activity Status Permitted.

Where:

1. These are located at the Te Nikau Grey Hospital, Reefton Hospital or Buller Integrated Health Facility **or Medical Centre** sites only;
2. All performance standards for Rule HOSZ–R1 are complied with.

HOSZ – R3

337. Ms Easton acknowledged the support of Te Mana Ora (S190.1143) for Rule HOSZ–R3. She supported BDC's (S538.596) request to remove the exception for hose drying towers in relation to the height standards given there were no fire station activities identified within this zone.
338. Ms Easton recommended that HOSZ-3 be amended as follows:

HOSZ - R3 Community Facilities and Emergency Service Facilities Activity Status Permitted

Where:

1. All performance standards for Rule HOSZ -R1 are complied with ~~except that hose drying towers associated with Emergency Service Facilities are exempt from height standards;~~ and
2. Any community facility is ancillary to and/or supports healthcare and medical activity.

HOSZ – R4 and R5

339. Ms Easton acknowledged the support of Te Mana Ora (S190.1144 and S190.1145).

HOSZ – R6

340. Ms Easton acknowledged the support of Te Mana Ora (S190.1146) and GDC (S608.795).
341. Ms Easton supported BDC's (S616.011) request to delete relocated buildings from the rule. She noted that building consents were required for all relocated buildings and considered that within the HOSZ no further regulation under the district plan was unnecessary.

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

342. Ms Easton did not support the New Zealand Heavy Haulage Association Inc (S616.011) request to amend Rule HOSZ-R6 because she recommended that the rule be deleted.

HOSZ – R7 to HOSZ - R12

343. Ms Easton supported the submission points from Te Mana Ora (S190.11447, S190.11448, S190.11449, S190.1150, S190.1151, S190.1152) and BDC (S538.600, S538.601, S538.602, S538.603, S538.604, S538.605) in support of rules HOSZ – R7 to HOSZ – R12.
344. Ms Easton supported GDC's (S608.796) request to include a new matter of discretion regarding the wastewater, water supply, and stormwater management design compliance with NZS 4404:2010 in HOSZ–R7. She considered it was essential to ensure that hospitals were served by appropriately designed and located water services infrastructure to mitigate adverse environmental effects.
345. The O'Connor Institute Trust Board (S466.007) and Frank and Jo Dooley (S478.050) submission points supported HOSZ-R10, provided that the definition of Healthcare and Medical Activities was amended as per their other submission points. As previously noted, Ms Easton did not support all the amendments sought by these submitters to the definition. While there was some provision for some types of supported residential care in the definition, she considered the HOSZ was not intended to be a zone that is predominantly used for residential activities.
346. Ms Easton recommended HOSZ–R7 be amended as follows:

HOSZ - R7 Activities, Buildings, Facilities, Minor Structures, Fences, Walls and Retaining Walls Provided for as Permitted Activities but not meeting the Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Design, size and location of buildings, structures and facilities;
- b. Screening, planting and landscape measures;
- c. Shading and privacy impacts on neighbouring properties;
- d. Any adverse effects on the streetscape;
- e. Any adverse effects on the amenity of neighbouring properties;
- f. The extent to which the infringement is necessary due to the shape, natural or physical features of the site; and
- g. The extent to which any helicopter facilities are ancillary to and necessary for effective Healthcare and Medical Activities in the zone; and
- h. Management of wastewater, stormwater and water supply in accordance with the relevant requirements of NZS 4044: 2010.**

347. Ms Easton recommended that the Ngākawau Medical Centre site at 1B Main Road, Hector, be rezoned to Hospital Zone.

Hearing and Submitter Evidence/Statements

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

348. Mr Lile, for the O'Connor Institute Trust Board, confirmed acceptance of the s42A Report recommendations, except for HOSZ-R10. He considered HOSZ-R10 should not capture *'aged care facilities and associated residential activities, including independent living'* for the reasons outlined in relation to HOSZ-P1.

Reporting Officer Reply Evidence

349. As outlined above, Ms Easton addressed the O'Connor Institute Trust Board submission point in relation to HOSZ-R10 by recommending amendments to the definition *'Healthcare and Medical Activities'*.

Hearing Panel's Evaluation

350. In relation to **HOSZ-R1**, the Panel accept Ms Easton's reasoning and recommendation to amend clause (6) and add a new advice note; and to delete clause (3).
351. In relation to **HOSZ-R2**, the Panel agree with Ms Easton's recommendation to include *'Medical Centres'* within the rule given this was the original intention of the rule.
352. The Panel agrees that the exception for the height of hose drying towers in clause (1) of **HOSZ-R3** should be deleted given there are no fire station activities identified within this zone.
353. The Panel accepts Ms Easton recommendation to retain **HOSZ-R4** and **HOSZ-R5** as notified.
354. In relation to **HOSZ-R6**, the Panel accepts Ms Easton's reasons and recommendation to delete this rule.
355. The Panel accepts Ms Easton recommendation to add new clause (h) to **HOSZ-R7** regarding the wastewater, water supply, and stormwater management design compliance with NZS 4404:2010.
356. The Panel accepts Ms Easton's recommendation to retain **HOSZ-R8** and **HOSZ-R9** as notified.
357. In relation to **HOSZ-R10**, the Panel accepts Ms Easton's recommendation to retain the rule as notified. We agree that the recommended changes to the definition of *'Healthcare and Medical Activities'* addresses The O'Connor Institute Trust Board (S466.007) and Frank and Jo Dooley (S478.050) submission points to provide for associated residential living and recommend accepting these submission points.
358. The Panel accepts Ms Easton's recommendation to retain **HOSZ-R11** as notified.
359. The Panel notes that **HOSZ-R12** is essentially a repeat of HOSZ-R8 and can therefore be deleted. We consider this is a Clause 16(2) for the First Schedule of the RMA matter.

Hearing Panel's Recommendation

354. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend that the following changes to the **Hospital Zone Rules**:

Hospital Zone Rules

Permitted Activities

HOSZ – R1 Healthcare and Medical Activities and Buildings

Activity Status Permitted

Where:

1. Any ancillary commercial activity does not exceed 200m² gross floor area or 10% of the hospital building footprint per commercial activity per site, whichever is the lesser;
2. The maximum building height above ground level is:
 - a. 12 metres at the Te Nikau Grey Hospital, Reefton Hospital and Buller Integrated Health Centre Site; and
 - b. 10m at all other locations in the zone; and
 - c. This does not include solar water heating components, antennas, aerials, flues, chimneys, satellite dishes (less than 1m in diameter) and architectural features (e.g. finials, spires) that do not exceed the height by more than 1m;
3. ~~The maximum building length is 20m where this is within 5m of an adjoining RESZ-Residential Zone;~~⁹⁹
4. All outdoor rubbish and collection areas must be fully screened with a fence that is 1.8m in height measured from ground level;
5. Any building or structure including car parking areas, outdoor storage and rubbish collection areas must be setback:
 - a. 5m from any RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone; and
 - b. 5m from the road boundary; and
6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~¹⁰⁰ This standard does not apply to:
 - a. Road boundaries;
 - b. Buildings on adjoining sites that have a common wall along the boundary;
 - c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
 - d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
 - e. Solar panels and solar water heaters provided, these do not exceed the height in relation to the boundary plane by more than 0.5m vertically.

Advice Note:

1. Where Healthcare and Medical Facilities are located within one of the Natural Hazard Overlays, the relevant rules for sensitive activities and critical response facilities of the Natural Hazards Chapter will apply.
2. Where Healthcare and Medical Facilities are located within the Airport Noise Contour boundary, the acoustic insulation requirements of Rule NOISE - R3 will apply.

⁹⁹ The O'Connor Institute Trust Board S466.005 and Frank and Jo Dooley S478.048

¹⁰⁰ Buller District Council S538.594

3. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**¹⁰¹

HOSZ – R2 Helicopter facilities including helicopter pads and associated fuelling and servicing facilities

Activity Status Permitted

Where:

1. These are located at the Te Nikau Grey Hospital, Reefton Hospital or Buller Integrated Health Facility **or Medical Centre**¹⁰² sites only;
2. All performance standards for Rule HOSZ – R1 are complied with.

HOSZ - R3 Community Facilities and Emergency Service Facilities

Activity Status Permitted

Where:

1. All performance standards for Rule HOSZ -R1 are complied with ~~except that those drying towers associated with Emergency Service Facilities are exempt from height standards~~¹⁰³; and
2. Any community facility is ancillary to and/or supports healthcare and medical activity.

Activity status where compliance not achieved: Restricted Discretionary

HOSZ - R4 Minor Structures

Activity Status Permitted

Where:

- All performance standards for Rule HOSZ -R1 are complied with;
- Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter and not project more than 3.5m above the highest point of any building they are attached to;
 4. Any ornamental or garden structure must not exceed 2.4 m in height; and
 5. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Restricted Discretionary

HOSZ - R5 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level.

Activity status where compliance not achieved: Restricted Discretionary

~~HOSZ – R6 Relocated Buildings~~

~~Activity Status Permitted~~

~~Where:~~

- ~~1. All performance standards for Rule HOSZ – R1 are complied with;~~

¹⁰¹ Buller District Council S538.594

¹⁰² Buller District Council S538.595

¹⁰³ Buller District Council S538.596

2. ~~A building pre-inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the reinstatement works shall be completed within a 12 month period;~~
3. ~~The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and~~
4. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

~~Activity status where compliance not achieved: Restricted Discretionary¹⁰⁴~~

Restricted Discretionary Activities

HOSZ - R76 Activities, Buildings, Facilities, Minor Structures, Fences, Walls and Retaining Walls Provided for as Permitted Activities but not meeting the Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Design, size and location of buildings, structures and facilities;
- b. Screening, planting and landscape measures;
- c. Shading and privacy impacts on neighbouring properties;
- d. Any adverse effects on the streetscape;
- e. Any adverse effects on the amenity of neighbouring properties;
- f. The extent to which the infringement is necessary due to the shape, natural or physical features of the site; ~~and~~
- g. The extent to which any helicopter facilities are ancillary to and necessary for effective Healthcare and Medical Activities in the zone; and
- h. Management of wastewater, stormwater and water supply in accordance with the relevant requirements of NZS 4044: 2010.¹⁰⁵

Discretionary Activities

HOSZ - R87 Any Activity that is not a Permitted Activity, a Restricted Discretionary Activity or a Non-complying Activity

Activity Status Discretionary

Activity status where compliance not achieved: N/A

Non-complying Activities

HOSZ - R98 Commercial Activity not ancillary to a Healthcare and Medical Activity

Activity Status Non-complying

Activity status where compliance not achieved: N/A

HOSZ - R109 Residential Activity not provided for as a Permitted Activity

¹⁰⁴ Buller District Council S538.599

¹⁰⁵ Grey District Council S608.796

Activity Status Non-complying Activity status where compliance not achieved: N/A
HOSZ - R110 Industrial Activity
Activity Status Non-complying Activity status where compliance not achieved: N/A
HOSZ - R121 Any activity not provided for by another Rule in the zone
Activity Status Non-complying Activity status where compliance not achieved: N/A¹⁰⁶

2.4. MPZ - MĀORI PURPOSE ZONE

MPZ as a Whole

Submissions and Further Submissions

360. Eighteen submission points and two further submission points were received on the Māori Purpose Zone (MPZ) as a whole. These were summarised in a Table on pages 68-71 of the s42A Report. The Panel has considered the submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

Definitions

361. Ms Easton did not support the request of Poutini Ngāi Tahu (S620.034) to amend the definition of 'Iwi/Papatipu Rūnanga Management Plan', to include 'a relevant planning document recognised by Te Rūnanga o Ngāi Tahu as the iwi authority as an Iwi Management Plan'. She noted that the purpose of the Iwi/Papatipu Rūnanga Management Plan was to give confidence to the Councils that matters of amenity and infrastructure and in particular neighbouring impacts of development were appropriately identified and managed, while allowing for a wide range of activities on MPZ land that was substantially broader than other, comparable, rural zoned land.
362. Ms Easton did not support the request of Poutini Ngāi Tahu (S620.035) to delete the definition of Māori Land. However, she noted Poutini Ngāi Tahu and Te Tumu Paeroa had provided a joint statement in relation to the definition of 'Papakāinga', which relied on the definition of 'Māori Land' (with some amendment). Ms Easton recommended that the definition should remain in the Plan, with the agreed-upon amendment.
363. Ms Easton noted Poutini Ngāi Tahu (S620.036) supported the definition of 'Māori Purpose Activities'.
364. Forest and Bird (S560.425, S560.074) sought that the difference between the definition of 'Māori Purpose Activities' and 'Poutini Ngāi Tahu Activities' be clarified. Ms Easton supported these submissions in part but noted that both terms were already defined in the Plan. She explained 'Māori Purpose Activities' specifically related to activities

¹⁰⁶ Clause 16(2) of the RMA

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

undertaken in the MPZ and included a wider list of activities than *'Poutini Ngāi Tahu Activities'*, which were undertaken across the West Coast and outside of the MPZ. She considered the definitions and difference were clear and no amendments were required in response to submissions.

365. Forest and Bird (S560.069) sought that the intended meaning of *'integrated Māori development'* within the definition of *'Māori Purpose Activities'* be clarified. Ms Easton did not support this submission as she considered that the list in the definition made it clear the types of development that may be involved.
366. Poutini Ngāi Tahu (S620.037) supported the definition of *'Papakāinga'*. Te Tumu Paeroa (S440.001) sought that this definition be amended. However, as discussed above, Poutini Ngāi Tahu and Te Tumu Paeroa provided a joint statement regarding the definition of *'Papakāinga'*. Ms Easton supported the inclusion of the agreed-upon definition.
367. Ms Easton supported the submission point from Poutini Ngāi Tahu (S620.038), which sought to amend the definition of *'Papatipu Rūnanga'* to be consistent with how other definitions taken from legislation were set out.

MPZ Overview

368. Ms Easton supported the request of Poutini Ngāi Tahu (S620.268) to delete the paragraph that related to what might happen if land ceases to be Māori Land and delete the reference to the General Rural Zone in the *'Other relevant Te Tai o Poutini Plan provisions'*. She did not support the other changes to the *'Other relevant Te Tai o Poutini Plan provisions'* because she recommended standardising this section of the zone overviews throughout the Plan in response to a Forest and Bird submission. She did not support the deletion of the reference to the Landscape Chapter because it contained provisions that relate to MPZ land.
369. Forest and Bird (S560.399) requested greater clarity in the Overview and in the rules for this zone that the provisions of the ECO Chapter apply. They also sought that other relevant chapters were referenced. Ms Easton supported this submission in part and considered that the *"Other relevant Te Tai o Poutini Plan provisions"* section of the Overview was the appropriate location for this information, as per the standard format she had recommended for other zones and in other s42A Reports.

MPZ Chapter as a Whole

370. Ms Easton acknowledged the support of WDC (S181.055) and BDC (S538.579) for the Chapter; and Te Mana Ora's (S190.1175) support for tino rangatiratanga.
371. Ms Easton supported the request of Poutini Ngāi Tahu (S620.305) to change zoning of the cultural redress land, known as the Lake Moeraki Reserve (Lot 1, Deposited Plan 3772), SASM 185 within the Plan, from GRUZ to MPZ because the land was consistent with the criteria for MPZ.
372. Māwhera Incorporation (S621.030) opposed the zoning of some of their lands as MPZ and opposed any zoning being placed on their land across the West Coast. Ms Easton did not support this submission and noted that all land was required to be zoned.

373. Poutini Ngāi Tahu (S620.278) sought that this chapter be amended to reflect relief sought in their submissions on overlay provisions, as they considered that in some cases the zone provisions should have primacy over the overlays. Ms Easton did not support this submission. She considered the structure of the Plan was clear and provided that the overlay provisions in the District-Wide Matters section of the Plan sit over the zones.

Hearing and Submitter Evidence/Statements

374. Te Tumu Paeroa provided verbal evidence to the hearing requesting that a further 12 blocks they administered be zoned MPZ.
375. The Poutini Ngāi Tahu hearing statement included commentary on definitions and the overview section, as well as requesting the rezoning of specific sites (Appendix B). Appendix A set out the s42A Report response to S620.034, and in reply set out a revised amendment to the definition for '*Iwi/Papatipu Rūnanga Management Plan*' as follows:

means a plan developed by Poutini Ngāi Tahu and:

(1)

- a. Endorsed by the relevant Poutini Ngāi Tahu papatipu rūnanga – Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawho; or
- b. In areas where the takiwa of the two rūnanga overlaps endorsed by both rūnanga;
or
- c. **A relevant planning document recognised by Te Runanga o Ngai Tahu, as the iwi authority, as an Iwi Management Plan; and**

(2) In relation a Māori Purpose Zone an Iwi/Papatipu Rūnanga Management Plan ~~Which~~ **also must** include the following information for any **MPZ** site it applies to:

- i. a description of activities, buildings and structures, existing or proposed to be established within any development area;
- ii. the bulk and location of any buildings and structures;
- iii. how any adverse effects resulting from proposed activities, particularly at zone boundaries, will be avoided, remedied or mitigated;
- iv. the provision of sufficient infrastructure to service the needs of all activities proposed to be established; and
- v. the protection of mauri of any identified features potentially affected by any activities, buildings or structures proposed to be established.

Reporting Officer Reply Evidence

376. In response to the Poutini Ngāi Tahu hearing statement requesting that the rezoning of specific sites to MPZ, Ms Easton considered there was no scope to consider the proposed changes, except for Lake Moeraki Reserve, which she has supported. She made no comment on the revised amendments to the definition for '*Iwi/Papatipu Rūnanga Management Plan*'
377. In response to the Te Tumu Paeroa verbal evidence seeking that a further 12 blocks they administer be included within the MPZ, Ms Easton considered that there was no scope for

the rezoning sought. She confirmed she had reviewed Te Tumu Paeroa's submission and noted this related solely to changes sought to the MPZ objectives and policies, and support for the MPZ rules.

Hearing Panel's Evaluation

378. The Panel accepts Ms Easton's reasons and recommended amendments to the Overview. We recommend changes that are consistent with our recommendations on the "*Other relevant Te Tai o Poutini Plan provisions*" section across the Plan. We also recommend amendment in response to the agreed resolution between Poutini Ngāi Tahu and Te Tumu Paeroa, including in relation to MPZ-O2, that settled submission points of Te Tumu Paeroa (e.g. S440.049).
379. The Panel agrees with the submission point of Poutini Ngāi Tahu that the notified definition of "*Māori land*" should be deleted from the Plan. This was the only submission point on the definition, and while scope is potentially provided between the notified definition and its deletion to make the amendments agreed between Poutini Ngāi Tahu and Te Tumu Paeroa, we do not see value in retaining the definition because it is not material to application of the chapter provisions.
380. Neither do we see value in incorporating reference to "*Māori land*" in the definition of "*Papakāinga*", the thrust of which remains unchanged by the amendments agreed between Poutini Ngāi Tahu and Te Tumu Paeroa. In either case, the definition signals that it is only relevant to Poutini Ngāi Tahu, rather than Māori land owners more broadly. The Panel understand, therefore, that the term "*Papakāinga*" will not be applied to developments undertaken on Māori land within the MPZ where the land owners do not whakapapa to Poutini Ngāi Tahu, which may include land owned by Māwhera Inc. We focus on the application of definitions in the rule framework and how development is provided for within the MPZ, relevant to Poutini Ngāi Tahu owned land and land held by other Māori land owners. Where the NPS-IB references "*specified Māori land*", the Panel discuss this in the Recommendation Report on the ECO Chapter.
381. The Panel agrees with amendments to the definition of "*Iwi/Papatipu Rūnanga Management Plan*" as sought by Poutini Ngāi Tahu (S620.034) and shown in their tabled hearing statement. In relation to the proposed addition in clause (c), to reference a planning document recognised by Te Rūnanga o Ngāi Tahu, this is understood to be consistent with the nature of Ngāi Tahu iwi management plans produced by both papatipu rūnanga and the iwi authority. The clarification that requirements in clause (2) apply in the context of MPZ zoned land we find a useful addition. The Panel consider use of these plans for MPZ zoned land in the context of each rule, while accepting that the recommended definition is appropriate. We also anticipate that tikanga will guide the development of these plans and is therefore a matter between the owners of Māori land within the MPZ and Poutini Ngāi Tahu, rather than a matter for determination under the Plan. In other words, the Panel do not expect a management plan to be created by Poutini Ngāi Tahu specific to a site in circumstances where this would not be appropriate in accordance with tikanga. We have considered the submission of Māwhera Inc in relation to this matter and find that tikanga is a relevant factor, but it is not for the Panel to determine its application.
382. The Panel accepts Ms Easton's recommendation to change the zoning of the land known as the Lake Moeraki Reserve (Lot 1, Deposited Plan 3772), SASM 185 within the Plan, from GRUZ to the MPZ because the land is consistent with the criteria for Māori Purpose Zone

land. We agree with Ms Easton that there is no scope to include rezoning land not included in the original submission.

383. The Panel agrees with Ms Easton that there is no scope within Te Tumu Paeroa's submission to rezone 12 blocks of land MPZ.

Hearing Panel's Recommendation

384. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the submission points identified in the footnotes below are accepted or accepted in part, and recommend that the following changes to the **Definitions**:

IWI/PAPATIPU RŪNANGA MANAGEMENT PLAN

Means a plan developed by Poutini Ngāi Tahu and:

(1)

a. Endorsed by the relevant Poutini Ngāi Tahu papatipu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawho; or

b. In areas where the takiwa of the two rūnanga overlaps endorsed by both rūnanga; or

c. **A relevant planning document recognised by Te Rūnanga o Ngāi Tahu, as the iwi authority, as an Iwi Management Plan; and**

(2) In relation to a Māori Purpose Zone an Iwi/Papatipu Rūnanga Management Plan which also must includes the following information for any **MPZ** site it applies to:¹⁰⁷

ia. A description of the activities, buildings and structures, existing or proposed to be established within any development area;

ib. The bulk and location of any buildings and structures;

ic. How any adverse effects resulting from proposed activities, particularly at zone boundaries, will be avoided, remedied or mitigated;

id. The provision of sufficient infrastructure to service the needs of all activities proposed to be established; and

ie.¹⁰⁸ The protection of mauri of any identified features potentially affected by any activities, buildings or structures proposed to be established.

MĀORILAND

means:

~~a. Land owned by Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawho or one of their holding companies;~~

¹⁰⁷ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawho and Te Rūnanga o Ngāi Tahu S620.035

¹⁰⁸ RMA First Schedule Clause 16(2)

~~b. Land gazetted or determined by order of the Māori Land Court as Māori reservation under s338 Te Ture Whenua Māori Act 1993;~~

~~c. Māori customary and Māori freehold land as defined in s4 and s129 of Te Ture Whenua Māori Act 1993;~~

~~d. Any land where:~~

~~— i. A status declaration under the Māori Affairs Amendment Act 1967 was made converting Māori freehold land to general title, and where there have been no changes of ownership since the conversion other than to an owner's bloodline successor(s); or~~

~~— ii. One or more owners are able to provide written evidence of Whakapapa to the original grantees of the land as confirmed by the Te Rūnanga o Ngāi Tahu Whakapapa Unit or the Māori Land Court; or~~

~~— iii. The land is vested in a Trust constituted pursuant to Part 12 of Te Ture Whenua Māori Act 1993 or a Māori incorporation constituted pursuant to Part 13 of the Te Ture Whenua Māori Act 1993.¹⁰⁹~~

PAPAKĀINGA

means a development for Poutini Ngāi Tahu residing on the West Coast providing of residential accommodation for members of Poutini Ngāi Tahu and may also including include communal buildings and facilities, **for the benefit of members of Poutini Ngāi Tahu and others who whakapapa to Poutini Ngāi Tahu.**¹¹⁰

PAPATIPU RŪNANGA

has the same meaning as in the Ngāi Tahu Claims Settlement Act 1998 (as set out below): means the Papatipu Rūnanga of Ngāi Tahu Whānui referred to in section 9 of Te Runanga o Ngai Tahu Act 1996. ~~[Ngāi Tahu Claims Settlement Act 1998]~~¹¹¹

385. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the submission points identified in the footnotes below are accepted or accepted in part, and recommend that the following changes to the **Māori Purpose Zone Overview**:

MĀORI PURPOSE ZONE

Overview

The purpose of the MPZ - Māori Purpose Zone is to enable tino rangatiratanga for Poutini Ngāi Tahu in relation to their own lands, and allow for their unique social, cultural, environmental and economic needs to be met within Te Tai o Poutini/the West Coast, **and a variety of uses of Māori land.**¹¹²

¹⁰⁹ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.035

¹¹⁰ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.037, Te Tumu Paeroa – The office of the Māori Trustee S440.001

¹¹¹ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.268

¹¹² Consequential to agreement between Poutini Ngāi Tahu and Te Tumu Paeroa on MPZ-O2, in response to submission point S440.049

A key element of the rules in the zone, is the development of Iwi/Papatipu Rūnanga Management Plans. These plans will be developed by Poutini Ngāi Tahu and endorsed by the relevant rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio, **or Te Rūnanga o Ngāi Tahu.**¹¹³ In areas where their takiwā¹¹⁴ overlaps, the plan(s) will need to be endorsed by both **Papatipu Rūnanga.**¹¹⁵

These Iwi/Papatipu Rūnanga Management Plans will enable Poutini Ngāi Tahu to undertake activities on specific sites in a way that reflects the unique identities and values of the sites, while managing the effects of the activities.

Once the Iwi/Papatipu Rūnanga Management Plan is lodged with the Council, many activities become **p**ermitted.¹¹⁶ Prior to that, the zone still provides for a wide range of **p**ermitted **a**ctivities¹¹⁷ which enable Poutini Ngāi Tahu to use and develop the land within a cultural framework.

~~The MPZ – Māori Purpose Zone incorporates a variety of land types, but it is only Māori Land that should benefit from these provisions and enjoy the additional activities that can be undertaken within the Zone. When land is no longer Māori Land in this zone, other zone provisions should apply and a Plan Change will be required to amend the zone.~~¹¹⁸

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for activities in the ~~GRUZ – General Rural Zone~~¹¹⁹ MPZ – Māori Purpose Zone, including:

~~a. Overlay Chapters – the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape; riparian areas; natural hazards; and the coastal environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.~~¹²⁰

Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Māori Purpose Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.

Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Māori Purpose Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.

Natural Character and Margins of Waterbodies - in some locations areas of Māori Purpose Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.

Ecosystems and Indigenous Biodiversity – The Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Māori Purpose Zone.

¹¹³ Consequential to acceptance of S620.034

¹¹⁴ RMA First Schedule Clause 16(2)

¹¹⁵ RMA First Schedule Clause 16(2)

¹¹⁶ RMA First Schedule Clause 16(2)

¹¹⁷ RMA First Schedule Clause 16(2)

¹¹⁸ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.268

¹¹⁹ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.268

¹²⁰ Royal Forest and Bird Protection Society Incorporated Bird S560.399

Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment Chapter contains provisions for activities within these areas.

General District Wide Matters - provisions in relation to earthworks, signs, subdivision and activities on the surface of water in particular may be relevant to many activities.

386. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends that the following changes to the **Māori Purpose Zone Planning Map**:

MĀORI PURPOSE ZONE

Rezoning

The land known as **Lake Moeraki Reserve (Lot 1 Deposited Plan 3772), SASM 185 within this plan, is to be rezoned from General Rural Zone to Māori Purpose Zone¹²¹**. This land is shown on the map below:



MPZ – Māori Purpose Zone Objectives

Submissions and Further Submissions

387. Nine submission points and two further submission points received on the MPZ objectives were summarised in a Table on pages 74-76 of the s42A Report.
388. Three submission points and one further submission point relating to **MPZ-O1**. One submission point supported the objective as notified and two sought amendments. A further submission from Poutini Ngāi Tahu opposed the submission of Te Tumu Paeroa.

¹²¹ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.305

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

389. Three submission points and one further submission point relating to **MPZ-O2**. Two submission points supported the objective as notified and one sought amendment. A further submission from Poutini Ngāi Tahu opposed the submission of Te Tumu Paeroa, which sought amendments to the objective.
390. Three submission points relating to **MPZ-O3** Two submissions supported the objective as notified and one sought amendment.

Section 42A Report

391. In relation to Objective **MPZ-O1**, Ms Easton noted Te Mana Ora's (S190.1176) support. She supported the request of Poutini Ngāi Tahu (S620.269) to delete "*ancestral*" in relation to land and delete the reference to Te Rūnanga o Ngāi Tahu in the objective. She agreed the term "*ancestral land*" was confusing and unnecessary in the context. She also agreed that the reference to "*Te Rūnanga o Ngāi Tahu*" should be deleted because it was included within the definition of Poutini Ngāi Tahu.
392. Ms Easton did not support Te Tumu Paeroa's (S440.048) request to include "*Māori landowners*" alongside Poutini Ngāi Tahu because she considered the statutory relationship with Poutini Ngāi Tahu was entirely different from that with Māori landowners. She noted the objectives and policies gave effect to those legal directions and agreements, whereas Māori landowners did not have a statutory relationship and were not subject to legal directions.
393. The Te Tumu Paeroa submission also sought a definition for "*ancestral land*" and "*Poutini Ngāi Tahu land*". Ms Easton did not support this and considered the definitions were unnecessary given her recommendation to delete "*ancestral*" and the term "*Poutini Ngāi Tahu land*" was only used once in a strategic direction policy.
394. In relation to Objective **MPZ-O2**, Ms Easton acknowledged the support from Poutini Ngāi Tahu (S620.270) and Te Mana Ora (S190.1177) and recommend the Objective be retained as notified.
395. Ms Easton did not support the submission point from Te Tumu Paeroa (S440.049) that sought the objective be amended to refer to Māori Landowners alongside Poutini Ngāi Tahu for the same reasons outlined in relation to MPZ – O1 above.
396. In relation to Objective **MPZ-O3**, Ms Easton acknowledged the support from WMS Group (S599.139) and Te Mana Ora (S190.1178). However, she supported the request of Poutini Ngāi Tahu (S620.271) to reword the objective to make it clearer and also recommended changes to improve readability.

Hearing and Submitter Evidence/Statements

397. The Poutini Ngāi Tahu hearing statement confirmed support for the s42A Report recommendations in relation to the objectives. It noted the objectives and policies of the MPZ were strongly worded towards enablement over protection and recommended the Panel balance this with the overlays and district-wide objectives and policies to still enable use on MPZ land.
398. Te Tumu Paeroa withdrew their submission point on MPZ-O1, after reaching agreement with Poutini Ngāi Tahu, through their written statement dated 22 August 2024.
399. In relation to MPZ-O2, Poutini Ngāi Tahu and Te Tumu Paeroa reached agreement on rewording this objective in response to the Te Tumu Paeroa submission point S440.049, as

recorded in their joint statement dated 14 August 2024. The submitters recommended including reference to use of Māori land and ensuring there was no doubt that this applied to both Poutini Ngāi Tahu and other owners of Māori land.

400. Ms Inta highlighted the poor wording of MPZ-O3 and considered this should be corrected, despite not submitting on the MPZ objectives.

Reporting Officer Reply Evidence

401. In Reply, Ms Easton agreed the poor wording of MPZ-O3 should be amended as follows:

MPZ - O3

~~Provide for the use and development of the MPZ - Māori Purpose Zone is provided for while recognising identified natural environment overlays and the contribution their values make to the wider community is recognised, and the appropriate use and development of the Zone is provided for.~~

Hearing Panel's Evaluation

402. The Panel accepts Ms Easton's reasoning and recommended amendments to **MPZ-O1**, which responds to the submission points of Poutini Ngāi Tahu, and the Panel acknowledge the withdrawal of the Te Tumu Paeroa submission point.
403. In relation to **MPZ-O2**, the Panel recommend adopting the wording agreed between Poutini Ngāi Tahu and Te Tumu Paeroa that resolved the Te Tumu Paeroa submission point S440.049 because it appropriately provides for the development and use of Māori land within the MPZ.
404. In relation to **MPZ-O3**, the Panel agrees with Ms Easton that the notified wording is poor and should be corrected. We note Ms Easton's recommended amendments did not include "*appropriate use and development*" and recommend this is retained to reflect the notified wording but in a better order, without changing the intent. We consider this also partly addresses the amendments requested by Poutini Ngāi Tahu (S620.271).

Hearing Panel's Recommendation

405. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend that the following changes to the **Māori Purpose Zone Objectives**:

Māori Purpose Zone Objectives
MPZ – O1
The use and possession of ancestral ¹²² land by Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu ¹²³ is recognised and provided for within the MPZ - Māori Purpose Zone, within which Ngāi Tahu are able to exercise tino rangatiratanga.
MPZ – O2

¹²² Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.269

¹²³ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.269

The MPZ - Māori Purpose Zone specifically provides **for use of Māori land and** Poutini Ngāi Tahu needs and activities, including **for the avoidance of doubt in respect of both**¹²⁴ residential, social, cultural, environmental and economic use and development to:

- a. Provide a safe, nurturing environment for ngā uri (descendants), whānau (family), hapū (extended family), iwi me ngā manuhiri (tribe and visitors);
- b. Ensure the whenua is managed in accordance with tikanga Māori; and
- c. Ensure the protection and maintenance of ngā taonga tuku iho (treasures)

MPZ – O3

Provide for appropriate use and development of the MPZ - Māori Purpose Zone while recognising The significant coverage of identified natural environment overlays across some parts of the MPZ—Māori Purpose Zone and the contribution their values make to the wider community is recognised, and the appropriate use and development of the Zone is provided for.¹²⁵

MPZ – Māori Purpose Zone Policies

Submissions and Further Submissions

406. Twenty submission points and two further submission points relating to the MPZ policies were summarised in the Table on pages 77-79 of the s42A Report.
407. One submission point supported the policy as notified and one submission point sought amendments to Policy **MPZ-P1**.
408. Two submission points supported Policy **MPZ-P2** as notified and five sought amendments, with one submission point opposed by a further submission.
409. One submission point supported Policy **MPZ-P3** as notified, two sought amendment and one opposed the policy and sought it be deleted.
410. Two submission points supported Policy **MPZ-P4** as notified.
411. Two submission points supported Policy **MPZ-P5** as notified.
412. Two submission points supported Policy **MPZ-P6** as notified and one sought amendment, with a further submission in opposition.

Section 42A Report

413. In relation to **MPZ-P1**, Ms Easton acknowledged the support of Te Mana Ora (S190.1179).
414. Ms Easton supported the request of Poutini Ngāi Tahu (S620.272) for links to the glossary for the terms “*whanaungatanga*” and “*mātauranga*” be included in the e-plan version of the Plan. She noted that this would correct an error in the Plan whereby the electronic links were not included.
415. In relation to **MPZ-P2**, Ms Easton acknowledged the support of Te Mana Ora (S190.1180) and WMS Group (S599.140).

¹²⁴ Te Tumu Paeroa S440.049

¹²⁵ Te Rūnanga o Ngāi Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.271

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

416. Ms Easton supported the request of Poutini Ngāi Tahu (S620.273) to add “*or remedied*” alongside “*are mitigated*” in clause (i) in relation to significant adverse effects on adjoining landowners. She acknowledged that these effects could be remedied rather than mitigated. She also supported the request (S620.406) to make it clear that the on-site or community scale facilities were those “*for water supply, wastewater and stormwater*” and considered this would clarify the intent of the policy.
417. Ms Easton did not support the submission point from Te Tumu Paeroa (S440.050) that sought to add “*and Māori landowners*” for the same reasons as outlined in relation to the objectives.
418. Ms Easton did not support the Buller Conservation Group (S552.198) and Frida Inta’s (S553.198) request to delete “*significant*” in relation to adverse effects and to replace “*mitigated*” with “*avoided*”. She considered the term “*avoid*” was generally associated with non-complying activities and noted this policy supports permitted activities. However, she recommended adding “*remedied and mitigated*”. In relation to the deletion of the word “*significant*” she considered this was also inappropriate.
419. In relation to **MPZ-P3**, Ms Easton acknowledged the support of Te Mana Ora (S190.1181) and WMS Group (S599.140).
420. Ms Easton did not support Buller Conservation Group (S552.199) and Frida Inta’s (S553.199) request to add a new clause “*Indigenous biodiversity is protected*” because she noted that matters related to indigenous biodiversity were subject to the ECO Chapter, which was cross-referenced in the MPZ Overview.
421. Poutini Ngāi Tahu (S620.274) requested that Policy MPZ-P3 be deleted because it duplicated MPZ-P2. Ms Easton did not support this submission and considered Policy MPZ – P2 was focussed on the types of activities that were provided for in the zone; whereas Policy MPZ – P3 was focussed on the outcomes that should be achieved when those activities were undertaken.
422. Ms Easton recommended retaining Policy MPZ – P3 as notified.
423. In relation to **MPZ-P4 and MPZ-P5**, Ms Easton acknowledged the support of Te Mana Ora (S190.1182 S620.1183) and Poutini Ngāi Tahu (S620.275, S620.276) and recommended these policies be retained as notified.
424. In relation to **MPZ-P6**, Ms Easton acknowledged the support of Te Mana Ora (S190.1184) and Ngāi Tahi (S620.277) and recommended the policy be retained as notified.
425. Ms Easton did not support the submission point from Te Tumu Paeroa (S440.051) that sought to have this policy refer to “*Māori Landowners*” for the same reasons outlined for the MPZ objectives.

Hearing and Submitter Evidence/Statements

426. In relation to MPZ-P2, Poutini Ngāi Tahu and Te Tumu Paeroa reached agreement on resolution of Te Tumu Paeroa submission point S440.050, reflecting changes made to MPZ-O2, so that the policy enables the use and development of Māori land.

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

427. Ms Inta highlighted the poor wording of MPZ-P2 and considered it should be amended to be “avoided, remedied or mitigated”.
428. The Poutini Ngāi Tahu hearing statement confirmed support for the s42A Report recommendations in relation to the policies, and support for position agreed with Te Tumu Paeroa. However, it recommended replacing “Enable” with “provide for” in MPZ-P3 to provide clarity that it is to be considered in relation to a restricted discretionary application.
429. In relation to **MPZ-P6**, this was also the subject of agreement between Poutini Ngāi Tahu and Te Tumu Paeroa, resolving Te Tumu Paeroa submission point S440.051. The statement of these two submitters recommended inclusion of a method to support a future plan change, enabling additional zoning of MPZ land, which both parties had sought in the hearing process but were limited by the scope of their submissions.

Reporting Officer Reply Evidence

430. In response to questions from the Panel, Ms Easton agreed with Ms Inta that Policy MPZ – P2 should be amended to “avoided, remedied or mitigated”.
431. Ms Easton recommended the following amendments to the wording of this policy and a formatting change to clause (ii) as follows:

MPZ – P2

Enable the use and development of the land in the MPZ - Māori Purpose Zone for a wide range of activities to support the Poutini Ngāi Tahu community, including:

- a. Single dwellings, multiple dwellings, and papakāinga housing;
- b. Marae complexes;
- c. Cultural uses including harvest of mahinga kai;
- d. Social, recreational, educational and community facilities; and
- e. Farming and other economic activities.

While

- i. Ensuring any significant adverse effects from these activities on adjoining landowners beyond the zone and the wider environment are **avoided, remedied or** mitigated; and
- ii. Requiring that the above activities are adequately serviced with on-site or community scale facilities **for water supply, wastewater or stormwater**.

Hearing Panel’s Evaluation

432. In relation to **MPZ-P1** the Panel accepts Ms Easton’s recommendation that links to the glossary for the terms “whanaungatanga” and “mātauranga” are included in the e-plan version of the Plan. We recommended MPZ-P1 is retained as notified.
433. In relation to **MPZ-P2**, the Panel agrees with Ms Easton that “significant” should not be deleted in this context. We accept her recommended changes to add “avoided, remedied or mitigated”; and to add “for water supply, wastewater and stormwater”. We also accept the recommended amendments of Poutini Ngāi Tahu and Te Tumu Paeroa that resolved Te Tumu Paeroa submission point S440.050, to enable the use and development of Māori land within MPZ.
434. The Panel accepts Ms Easton’s recommendations to retain policies **MPZ-P3, MPZ-P4, and MPZ-P5** as notified for the reasons outlined in the s42A Report.

435. In relation to **MPZ-P6**, the Panel accept the recommended amendments of Poutini Ngāi Tahu and Te Tumu Paeroa that resolved Te Tumu Paeroa submission point S440.051, to enable the use and development of Māori land within MPZ, but do not consider that a new method to support the policy is necessary.

Hearing Panel’s Recommendation

436. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Māori Purpose Zone policies**:

Māori Purpose Zone Policies
<p>MPZ - P1</p> <p>Enable the incorporation of whānaungatanga, mātauranga and tikanga in relation to the use, design and layout of development within the MPZ - Māori Purpose Zone.</p>
<p>MPZ – P2</p> <p>Enable the use and development of the land in the MPZ - Māori Purpose Zone for a wide range of activities to support the Poutini Ngāi Tahu community and enable the use and development of Māori land,¹²⁶ including:</p> <ul style="list-style-type: none"> a. Single dwellings, multiple dwellings, and papakāinga housing; b. Marae complexes; c. Cultural uses including harvest of mahinga kai; d. Social, recreational, educational and community facilities; and e. Farming and other economic activities. <p>While</p> <ul style="list-style-type: none"> i. Ensuring any significant adverse effects from these activities on adjoining landowners beyond the zone and the wider environment are avoided,¹²⁷ remedied or¹²⁸ mitigated; and ii. Requiring that the above activities are adequately serviced with on-site or community scale facilities for water supply, wastewater or stormwater.¹²⁹
<p>MPZ - P3</p> <p>Enable the establishment of compatible activities within the MPZ - Māori Purpose Zone while ensuring that:</p> <ul style="list-style-type: none"> a. Use and development is consistent with the purpose of the zone; b. The Poutini Ngāi Tahu community is sustained; c. Cultural values are maintained or enhanced; and d. The quality of the environment within or adjacent to the zone is not adversely affected.
<p>MPZ – P4</p> <p>Avoid activities which are likely to be incompatible with the purpose of the MPZ - Māori Purpose Zone, unless a cultural impact assessment endorsed by the relevant rūnanga demonstrates that the effects on the cultural values are acceptable or can be mitigated.</p>

¹²⁶ Te Tumu Paeroa S440.050

¹²⁷ Frida Inta S553.198

¹²⁸ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.273

¹²⁹ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.406

MPZ – P5

Provide for the use of Papatipu Rūnanga mandated Iwi/Papatipu Rūnanga management plans to provide for development in different areas within the MPZ - Māori Purpose Zone; ensuring that these plans contain the level of detail necessary to ensure that comprehensive, coordinated and efficient development occurs, including:

- a. A description of activities, buildings and structures existing, or proposed to be established within the development area;
- b. The bulk and location of any buildings and structures;
- c. How adverse effects resulting from proposed activities, in particular at zone boundaries, will be avoided, remedied or mitigated;
- d. The provision of sufficient infrastructure to service the needs of all activities proposed to be established; and
- e. The protection of the mauri of any identified features potentially affected by any activities, buildings or structures proposed to be established.

MPZ – P6

Support the future application of the MPZ - Māori Purpose Zone to locations where it will enable the use and development of land in accordance with tikanga Māori and to meet the needs of Poutini Ngāi Tahu needs ~~and enable the use of Māori land~~.¹³⁰

MPZ - Māori Purpose Zones Rules

437. Sixty-eight submission points and five further submission points relating to the MPZ rules were summarised in the Table on pages 81-90 of the s42A Report.
438. One submission point requested including "*emergency services facility*" and "*public amenities*" as permitted activities in the MPZ and developing appropriate activity standards.
439. Two submission points supported Rule **MPZ-R1** as notified and two sought amendments, with a further submission in opposition to a suggested amendment.
440. Two submission points supported Rule **MPZ-R2** as notified.
441. Two submission points supported Rule **MPZ-R3** as notified.
442. Four submission points supported Rule **MPZ-R4** as notified and one sought an amendment, with a further submission in opposition to the suggested amendment.
443. Two submission points supported Rule **MPZ-R5** as notified.
444. One submission points supported Rule **MPZ-R6** as notified and one sought amendment.
445. Three submission points supported Rule **MPZ-R7** as notified and one sought amendment.
446. Three submission points supported Rule **MPZ-R8** as notified and three sought amendments, with two further submissions in opposition to two of the suggested amendments.
447. Two submission points supported Rule **MPZ-R9** as notified.

¹³⁰ Te Tumu Paeroa S440.051

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

448. Two submission points supported Rule **MPZ-R10** as notified.
449. One submission point supported Rule **MPZ-R11** as notified and two sought amendments, with a further submission in opposition to one of the suggested amendments.
450. One submission point supported Rule **MPZ-R11** as notified and one sought amendment.
451. One submission point supported Rule **MPZ-R12** as notified and one sought amendment.
452. One submission point supported Rule **MPZ-R13** as notified and one sought amendment.
453. One submission point supported Rule **MPZ-R14** as notified and two sought amendments.
454. Two submission points supported Rule **MPZ-R15** as notified and one sought amendment.
455. One submission point supported Rule **MPZ-R16** as notified and one sought amendment.
456. Two submission point supported Rule **MPZ-R17** as notified and two sought to delete the rule.
457. Two submission points supported Rule **MPZ-R18** as notified and one sought amendment.
458. One submission point supported Rule **MPZ-R19** as notified and one sought amendment.
459. Two submission points supported Rule **MPZ-R20** as notified.
460. One submission point supported Rule **MPZ-R21** as notified and one sought amendment.
461. Two submission points supported Rule **MPZ-R22** as notified.
462. Two submission points supported Rule **MPZ-R23** as notified.
463. Two submission points supported Rule **MPZ-R11** as notified and one sought amendment.
464. The Panel has considered the submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

Rules (Permitted)

465. Ms Easton supported the submission point from Poutini Ngāi Tahu (S620.279) that sought “*emergency services facility*” be provided for as a permitted activity. She considered that emergency services facilities were appropriate within this zone and could be accommodated through an amendment to Rule MPZ–R9 (Community Facilities). Ms Easton did not support the submission point seeking the provision of “*public amenities*” as permitted activities. She noted that the term was not used in the pTTPP and was unclear about what it could include.

MPZ – R1 Māori Purpose Activities

466. Ms Easton acknowledged the support from Te Mana Ora (S190.1185) and Waka Kotahi NZTA (S450.300) for this rule as notified.

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

467. Ms Easton supported GDC's (S608.800) request to amend clauses (5) and (6) to require connection to reticulated services in fully serviced areas; and in areas not serviced, that systems be designed and constructed in compliance with NZS 4404:2010. She considered this was consistent with the recommendations made on other zones and the wider approach to these matters in the Plan.
468. Ms Easton did not support the amendments requested by Poutini Ngāi Tahu (S620.280) for the following reasons:
- (a) Changing 'site coverage' to 'building coverage' because 'site coverage' was the term used throughout the Plan.
 - (b) Changing the area of maximum site coverage to 50% of the site from 40% of the site because the site coverage was the same as the GRUZ (reflecting the wider environment) and these areas generally do not have reticulated stormwater systems.
 - (c) Reducing setbacks from the road of 10m to 4.5m and from 5m to 1m for internal boundaries because these were the same as those in the GRUZ.
 - (d) Reducing residential density from no more than one unit per 500m² net site area in areas fully serviced by a network utility operator to one unit per 300m² net site area because these sites were likely to be located within small settlements and areas where urban densities were not in keeping with the wider character and amenity of the area.
 - (e) Reducing in residential density in areas unserved by three-waters to an unspecified density consistent with the carrying capacity of the land and infrastructure because advice received from the Regional Council notes that it is difficult to manage on-site wastewater on sites smaller than 1000m².
469. Ms Easton recommended amendments to MPZ-R1 as follows:

MPZ - R1 Māori Purpose Activities Activity Status Permitted

Where:

1. The maximum gross ground floor area of a single building is 500m²;
2. Maximum building height above ground level is 10m;
3. Maximum site coverage is 40%;
4. Buildings are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary, and 5m from internal boundaries, except that:
 - a. In the Arahura Pā settlement buildings are setback 5m from the road and any GRUZ - General Rural Zone or INZ - Industrial Zone boundary and 1m from internal boundaries;
5. The average residential density is no more than 1 unit per 500m² net site area in areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems; ~~and~~
6. In areas not serviced by network utility operated wastewater, stormwater and water supply the average dwelling/papakāinga building density is no more than one unit and one minor residential unit per 1000m² net site area; and
7. Where reticulated systems are available, buildings are connected to the reticulated wastewater, stormwater and water supply systems, and where these are not available, wastewater, stormwater and water supply systems are designed to meet the relevant standards of NZS4404:2010.

MPZ – R2 Agricultural, Pastoral or Horticultural Activities or Buildings

470. Ms Easton acknowledged the support of Poutini Ngāi Tahu (S620.281, S620.282) and Te Mana Ora (S190.1186, S190.1187)

MPZ – R3 Conservation and Recreation Activities

471. Ms Easton acknowledges the support of Ngāi Tahu (, S620.282) and Te Mana Ora (S190.1187) and recommended retaining the rule as notified.

MPZ – R4 Residential Activities

472. Ms Easton acknowledged the support of Poutini Ngāi Tahu (S620.283), Te Mana Ora (S190.1188), Waka Kotahi NZTA (S450.301) and GDC (S608.801) and recommended retaining the rule as notified.
473. Ms Easton did not support the Westport Rifle Club’s (S457.012) request to add reference to the Rifle Range Protection Area in this rule because she considered it unnecessary given there was no MPZ land in that part of the Buller District.

MPZ – R5 Minor Structures

474. Ms Easton acknowledged the support of Poutini Ngāi Tahu (S620.284) and Te Mana Ora (S190.1189) and recommended retaining the rule as notified.

MPZ – R6 Fences, Walls and Retaining Walls

475. Ms Easton acknowledged the support of Te Mana Ora (S190.1190) for this rule.
476. Ms Easton supported the request of Poutini Ngāi Tahu (S620.285) that clause (2) concerning the use of the fences, retaining walls or walls be deleted to avoid duplication with the Signs Chapter.
477. Ms Easton recommended amendments to MPZ – R6 as follows:

MPZ - R6 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level.;
and
2. ~~The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall~~

MPZ – R7 Relocated Buildings

478. Ms Easton acknowledged the support of Te Mana Ora (S190.1191), Poutini Ngāi Tahu (S620.286) and GDC (S608.802) and recommended retaining the rule as notified.
479. The New Zealand Heavy Haulage Association Inc. (S616.013) sought amendments to the rule that were consistent with other submissions it has made in other zones. Ms Easton did not support this submission because she considered that it would result in new pre-built residential housing being moved onto a site, potentially requiring a resource consent. Similarly, she did not support the other changes proposed by the submitter as she considered they did not improve the clarity or enforceability of the rule.

MPZ – R8 Visitor Accommodation that is not in a Marae Complex

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

480. Ms Easton acknowledged the support of Te Mana Ora (S190.1192), Poutini Ngāi Tahu (S620.287) and Waka Kotahi NZTA (S450.302) and recommended retaining the rule as notified.

481. Ms Easton did not support the Westport Rifle Club (S457.013) and Westport Pistol Club's (S336.015) requests to amend the rule to refer to the Rifle Range Protection Area because there was no MPZ land within that part of Buller District.

MPZ – R9 Community Facilities

482. Ms Easton acknowledged the support of Te Mana Ora (S190.1193) and Poutini Ngāi Tahu (S620.288) for this rule.

483. Ms Easton recommended the following addition to this rule as alternative relief to Poutini Ngāi Tahu (S620.279) that sought “*emergency services facility*” be provided for as a permitted activity:

MPZ - R9 Community Facilities and Emergency Services Facilities

Activity Status Permitted

Where:

1. All performance standards for Rule MPZ - R1 are complied with.

Activity status where compliance not achieved: Restricted Discretionary

MPZ – R10 Buildings and Other Activities in Accordance with an Iwi/Papatipu Rūnanga Management Plan not Provided for in another Permitted Activity Rule

484. Ms Easton acknowledged the support of Te Mana Ora (S190.1194) and Poutini Ngāi Tahu (S620.289) for this rule and recommended retaining the rule as notified.

Restricted Discretionary Activities

485. Poutini Ngāi Tahu (S620.290) sought that a non-notification clause be applied to all restricted discretionary activity rules specifying that they would not be publicly notified and would only be limitedly notified to directly abutting landowners. Ms Easton supported this submission in part. She agreed that public notification of the types of activities covered by these rules was inappropriate, as they were not expected to generate significant adverse effects. However, she did not consider that restricting notification to only immediately abutting landowners was appropriate given the potential for adverse effects on amenity or other concerns that extend beyond the directly abutting sites.

MPZ – R11 Māori Purpose Activities not meeting Permitted Activity Standards

486. Ms Easton acknowledged the support of Te Mana Ora (S190.1195) for this rule.

487. Poutini Ngāi Tahu (S620.291) sought that if there was an Iwi/Papatipu Rūnanga Management Plan in place that the matters of discretion in clauses (b) to (e) not apply. Ms Easton did not support this submission. She considered that these matters related to potential adverse environmental effects or effects on neighbouring amenity that needed to be assessed and managed through consent conditions if necessary.

488. Ms Easton supported GDC's (S608.803) request for a new matter of discretion relating to design and location of vehicle access given this could be an important consideration.

489. Ms Easton recommended amending MPZ-R11 as follows:

MPZ - R11 Māori Purpose Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary Discretion is restricted to:

- a. The extent to which the proposal complies with any Iwi/Papatipu Rūnanga management plan in place for the site;
- b. Size, height, design and location of any buildings and structures;
- c. Landscape measures;
- d. Density of any residential buildings; and
- e. Methods of water supply, wastewater and stormwater treatment and disposal; and
- f. Design and location of vehicle access

Activity status where compliance not achieved: N/A

Notification: Applications for activities under this rule will not be Publicly Notified

MPZ – R12 Minor structures not meeting Permitted Activity Standards

490. Ms Easton acknowledged the support of Te Mana Ora (S190.1196) for this rule.

491. Poutini Ngāi Tahu (S620.292) sought that if an Iwi/Papatipu Rūnanga Management Plan was in place that matters of discretion in clause (2) and (3) not apply. Ms Easton supported this submission and noted that considering that the rule related only to structures up to 10m high, the risk of adverse off-site effects was low and would be appropriately managed by the Iwi/Papatipu Rūnanga Management Plan.

492. Ms Easton recommended amending the rule as follows:

MPZ -R12 Minor structures not meeting Permitted Activity Standards Activity Status Restricted Discretionary

Where:

1. The minor structure does not exceed 10m in height; and
2. All other performance standards for Rule MPZ - R1 are complied with.

Discretion is restricted to:

- a. Compliance with any Iwi/Papatipu Rūnanga management plan in place for the site;

or

b. If there is no Iwi/Papatipu Rūnanga management plan in place for the site:

- i. Design and location of structures; and
- ii. Landscape measures.

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be Publicly Notified

MPZ – R13 Relocated buildings not meeting Permitted Activity Standards

493. Ms Easton acknowledged the support of Te Mana Ora (S190.1197) for this rule.

494. Poutini Ngāi Tahu (S620.293) sought that if there was an Iwi/Papatipu Rūnanga Management Plan in place that matters of discretion in clauses (b) to (d) not apply. Ms Easton supported this submission. She noted that buildings subject to this rule still must comply with the performance standards for bulk and setbacks. She considered that the risk of adverse off-site effects was low and would be appropriately managed in an Iwi/Papatipu Rūnanga Management Plan.

495. Ms Easton recommended amendments to the rule as follows:

MPZ - R13 Relocated buildings not meeting Permitted Activity Standards Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule MPZ - R1 are complied with.

Discretion is restricted to:

a. Compliance with any Iwi/Papatipu Rūnanga management plan in place for the site;

or

b. If there is no Iwi/Papatipu Rūnanga management plan in place for the site

i. Design and location of structures;

ii. Appearance of buildings; and

iii. Landscape measures

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be Publicly Notified

MPZ – R14 Intensive indoor primary production

496. Ms Easton acknowledged the support of GDC (S608.804) for this rule.
497. Te Mana Ora (S190.1198) sought that this rule be amended to include a requirement that the activity does not occur within a DWSZ. Ms Easton did not support this submission for the reasons outlined in relation to other special zones.
498. Poutini Ngāi Tahu (S620.294) sought that if there was an Iwi/Papatipu Rūnanga Management Plan in place that matters of discretion in clauses (b) to (h) not apply. Ms Easton did not support this submission. She considered that these matters were those where there was a potential for adverse environmental effects or effects on neighbouring amenity. She considered that these matters needed to be assessed and managed through consent conditions if necessary.
499. Ms Easton recommended amendments to this rule as follows:

MPZ - R14 Intensive indoor primary production

Activity Status Restricted Discretionary

Where:

1. This is not within the Arahura Pā settlement area; and

2. All performance standards for Rule MPZ - R1 are complied with.

Discretion is restricted to:

a. Compliance with any Iwi/Papatipu Rūnanga management plan in place for the site;

b. Bulk and location of buildings;

c. Management of traffic and parking;

d. Management of odour;

e. Landscape measures;

f. Any impacts on the production values of the surrounding land;

g. Effects on visual amenity and rural character; and

h. Methods of water supply and effluent and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be Publicly Notified

MPZ – R15 Visitor and temporary worker accommodation not meeting Permitted Activity Standards

500. Ms Easton acknowledged the support of GDC (S608.1199) and Te Mana Ora (S190.1199).

501. Poutini Ngāi Tahu (S620.295) sought that if there was an Iwi/Papatipu Rūnanga Management Plan in place that matters of discretion in clauses (2) to (7) not apply. Ms Easton supported this submission and noted that buildings subject to this rule must still comply with the performance standards for bulk and setbacks. She considered the risk of adverse off-site effects was low and would be appropriately managed in an Iwi/Papatipu Rūnanga Management Plan.

502. Ms Easton recommended the amendments to this rule as follows:

MPZ - R15 Visitor and temporary worker accommodation not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

1. This is ancillary to a farming, conservation, residential or Māori purpose activity; and
2. All performance standards for Rule MPZ - R1 are complied with.

Discretion is restricted to:

a. Compliance with any Iwi/Papatipu Rūnanga management plan in place for the site;

or

b. If there is no Iwi/Papatipu Rūnanga management plan in place for the site

- i. Number of visitors/workers staying on site;
- ii. Number of days of use for the accommodation;
- iii. Management of traffic and parking;
- iv. Landscape measures;
- v. Any impacts on the production values of the surrounding land;
- vi. Effects on visual amenity and rural character; and
- vii. Methods of water supply and wastewater and stormwater treatment and disposal

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be Publicly Notified

MPZ – R16 Community Facilities not meeting Rule MPZ - R9

503. Ms Easton acknowledged the support of Te Mana Ora (S190.1200) for this rule.

504. Poutini Ngāi Tahu (S620.296) sought that if there was an Iwi/Papatipu Rūnanga Management Plan in place that matters of discretion in clauses (b) to (e) not apply. Ms Easton supported this submission and noted that buildings subject to this rule still must comply with the performance standards for bulk and setbacks. She considered the risk of adverse off-site effects was low and that these would be appropriately managed by the Iwi/Papatipu Rūnanga Management Plan.

505. Ms Easton recommended amendments to the rule as follows:

MPZ - R16 Community Facilities not meeting Rule MPZ - R9

Activity Status Restricted Discretionary

Discretion is restricted to:

a. Compliance with any Iwi/Papatipu Rūnanga management plan in place for the site;

or

b. If there is no Iwi/Papatipu Rūnanga management plan in place for the site

- i. Management of access, parking and traffic generation;
- ii. Hours of operation;
- iii. Noise management and lighting;
- iv. Landscape measures.

Activity status where compliance not achieved: N/A

Notification: Applications for activities under this rule will not be Publicly Notified

MPZ – R17 Non - rural Activities not meeting Permitted Activity Standards

506. Ms Easton acknowledged the support of Te Mana Ora (S190.1201) and GDC (S608.806).
507. WMS Group (S599.141) and Poutini Ngāi Tahu (S620.297) opposed this rule and sought its deletion. Ms Easton agreed that this rule was unnecessary and recommended it be deleted.

MPZ – R18 Buildings and Other Activities in Accordance with an Iwi/Papatipu Rūnanga Management Plan not meeting Rule MPZ - R10

508. Ms Easton acknowledges the support of Te Mana Ora (S190.1202) and GDC (S608.807).
509. Poutini Ngāi Tahu (S620.298) sought that if there was an Iwi/Papatipu Rūnanga Management Plan in place that matters of discretion in clause (b) to (i) not apply. Ms Easton did not support this submission. She noted that this rule specifically applied to activities outlined in an Iwi/Papatipu Rūnanga Management Plan and that where there was no Iwi/Papatipu Rūnanga Management Plan, this rule would not apply.
510. Ms Easton recommended amendments to the rule as follows:

MPZ - R18 Buildings and Other Activities in Accordance with an Iwi/Papatipu Rūnanga Management Plan not meeting Rule MPZ - R10

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Compliance with any Iwi/Papatipu Rūnanga management plan in place for the site;
- b. The extent to which the activity could be undertaken more appropriately in another zone;
- c. Bulk and location of buildings;
- d. Management of traffic and parking;
- e. Management of odour;
- f. Landscape measures;
- g. Any impacts on the production values of the surrounding land;
- h. Effects on visual amenity and rural character; and
- i. Methods of water supply, wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: N/A

Notification: Applications for activities under this rule will not be Publicly Notified

Discretionary Activities

MPZ – R19 Agricultural, Pastoral and Horticultural Activities, Conservation and Recreation Activities not meeting Permitted, Controlled or Restricted Discretionary Activity Rules

511. Ms Easton acknowledged the support of Te Mana Ora (S190.1203) for this rule.
512. Poutini Ngāi Tahu (S620.299) sought that the reference to “Controlled” activities in the rule title be deleted. Ms Easton supported this submission to correct this error. She recommended the following amendment to the rule:

MPZ - R19 Agricultural, Pastoral and Horticultural Activities, Conservation and Recreation Activities not meeting Permitted, ~~Controlled~~ or Restricted Discretionary Activity Rules
Activity Status Discretionary

MPZ – R20 Rural Industry or Intensive Indoor Primary Production not meeting Permitted or Restricted Discretionary Activity Rules

513. Ms Easton acknowledged the support of Te Mana Ora (S190.1204) and Poutini Ngāi Tahu (S629.300) and recommended retaining the rule as notified.

MPZ – R21 Non-rural activities not meeting Permitted or Restricted Discretionary Activity Rules.

514. Ms Easton acknowledged the support of Te Mana Ora (S190.1205) for this rule.

515. Poutini Ngāi Tahu (S620.302) sought to alter this rule from “*Non-rural activities*” to “*Conservation and Recreation Activities*”. Ms Easton supported this submission because the deletion of MPZ–R17 meant there was no rule that this escalates from. However, as identified by Poutini Ngāi Tahu, she agreed there was no escalation rule for Rule MPZ-R3 and therefore, recommended renaming the rule to address the issue identified.

516. Ms Easton recommended the following amendments to this rule:

MPZ - R21 ~~Non-rural~~ Conservation and Recreation activities not meeting Permitted or Restricted Discretionary Activity Rules.
Activity Status Discretionary

MPZ – R22 Minor structures, Fences, Walls and Retaining Walls, and Relocated buildings not meeting Permitted or Restricted Discretionary Rules

517. Ms Easton acknowledged the support of Te Mana Ora (S190.1206) and Poutini Ngāi Tahu (S629.303) and recommended retaining the rule as notified.

MPZ – R23 Residential activities and visitor accommodation activities not meeting Permitted or Restricted Discretionary Rules.

518. Ms Easton acknowledged the support of Te Mana Ora (S190.1207) and Poutini Ngāi Tahu (S629.301) and recommended retaining the rule as notified.

MPZ – R24 Any Activity not provided for in another Rule in the Zone

519. Ms Easton acknowledged the support of Te Mana Ora (S190.1208) and Poutini Ngāi Tahu (S629.304) for this rule.

520. WMS Group (S599.142) opposed this rule and sought to have minerals extraction provided for as a discretionary activity. Ms Easton supported this submission in part in that providing for mineral extraction as a discretionary activity was consistent with the approach taken in the SASM Chapter. She did, however, note that the definition of “*Māori Purpose Activities*” included some types of mineral extraction (for cultural resources). She therefore proposed wording that reflected the existence of some permitted activities.

521. Ms Easton recommended adding a new rule as follows:

MPZ – RXXX Mineral Extraction not meeting Permitted or Restricted

Discretionary Rules

Activity Status: Discretionary

Notification:

Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio).

Activity status where compliance not achieved: N/A

Hearing and Submitter Evidence/Statements

522. The Poutini Ngāi Tahu hearing statement requested consideration of including “*Parks Furniture*” instead of “*Public Facilities*” as a permitted activity within the MPZ, as requested in the original submission.
523. In relation to MPZ-R2, the Poutini Ngāi Tahu hearing statement noted that connections to water, wastewater and stormwater systems were already addressed under Rule INF-R2 and that adding the requested clause would result in duplication. It also noted that the reduced setbacks sought were to enable reasonable use, including urban activities and Papakāinga, which were not comparable uses to the Rural Zone, despite often adjoining rural land.
524. In relation to MPZ-R18, the Poutini Ngāi Tahu hearing statement recommended alternative wording for clause (b) to “*the extent to which the activity is compatible with the Māori Purpose Zone and amenity of the environment is maintained*”, although this was not specifically sought in submission point S620.298.

Reporting Officer Reply Evidence

525. In response to queries from the Panel on the KiwiRail evidence on MPZ-R1 seeking a setback from the rail corridor from both buildings and structures, Ms Easton advised that she did not oppose the addition of the word ‘*structures*’ into the setback standards for the rail corridor within this rule.
526. No other specific points were made in the Reply Evidence regarding specific rules.

Hearing Panel’s Evaluation

527. The Panel accepts Ms Easton’s recommended amendments to Rule **MPZ-R1** to add a new clause to require connection to the reticulated wastewater, stormwater, and water supply systems, where reticulated systems are available; and where those systems are not available, they are designed to the appropriate standard. We also recommend a consequential change to the advice note to add reference to the Haast Airfield, as discussed above in relation to the Airport Zone. We note this consequential amendment is also required for rules MPZ-R4 and MPZ-R8.
528. The Panel recommends replacing “*Landscape measures*” with “*Measures to mitigate landscape effects*”, which is a Plan-wide change for consistency from recommendations in the Natural Feature and Landscapes Chapter Recommendation Report. We consider
529. The Panel notes Appendix 1 of the Right of Reply did not include “*Buildings and structures*” as requested by KiwiRail. We note Ms Easton did not oppose this but assume she does not recommend this is added. We consider it is not necessary in the context of this rule.

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

530. The Panel accepts the position in the Poutini Ngāi Tahu hearing statement that it is not appropriate for Rule MPZ-R1 parameters to reflect GRUZ, which would restrict use and development in the zone and run counter to the objectives and policies of the zone. We understand the history of Māori land, as outlined in the joint statement from Poutini Ngāi Tahu and Te Tumu Paeroa, which has meant underdevelopment over time. The Panel acknowledge that the level of development in these areas is expected to change as a result of zoning for increased use and development and that is entirely appropriate.
531. The Panel adopt the amendments sought by Poutini Ngāi Tahu in submission point S620.280, with the exception of amendment to clause (6), and also accept the submission point of GDC (S608.800) regarding management of water supply, wastewater and stormwater. We have considered the argument in the Poutini Ngāi Tahu hearing statement that this may overlap with provisions in other chapters, but our recommendation is to incorporate the reference because it is a consistent requirement across the Plan.
532. The Panel accepts Ms Easton's recommendation to retain rules **MPZ-R2, MPZ-R3, MPZ-R4, MPZ-R5, MPZ-R10, MPZ-R14, MPZ-R18, MPZ-R20, MPZ-R22, MPZ-R23, MPZ-R24**, for the reasons outlined, except for minor corrections and renumbering under RMA, Schedule 1 clause 16.
533. In relation to rules **MPZ-R5, MPZ-R11, MPZ-R12, MPZ-R13, MPZ-R14, MPZ-R15, MPZ-R16** and **MPZ-R17**, all of which contain reference to an Iwi/Papatipu Rūnanga Management Plan, the Panel are satisfied that there are suitable pathways in the rules for sites that are not subject to an Iwi/Papatipu Rūnanga Management Plan, which may be for a range of reasons, including tikanga in the circumstances of the site.
534. In relation to Rule **MPZ-R6**, the Panel accepts Ms Easton's recommendation to delete clause (2) to avoid duplication with the Signs Chapter.
535. In relation to Rule **MPZ-R7**, the Panel accepts in part the submission of The New Zealand Heavy Haulage (S616.013) and recommends amendments that are consistent with recommendations made in relation to the equivalent rules in the Residential Zones (General Residential Zone, Large Lot Residential Zone and Medium Residential Zone); and reflect the addition of new Appendix Eleven to guide pre-inspection requirements recommended in the Residential Zone Chapter Recommendation Report.
536. The Panel accepts Ms Easton's recommended amendment to Rule **MPZ-R8** to require the provision of letting records annually, as requested by GDC.
537. In relation to Rule **MPZ-R9**, Ms Easton recommended adding "*Emergency Services Facilities*" to the rule title to address the submission point of Poutini Ngāi Tahu (S620.279) but did not recommend including "*public amenities*" because she was unclear what this could include. However, she did not respond to the Poutini Ngāi Tahu hearing statement that requested including "parks furniture" as an alternative. We consider this addition is appropriate now that it is clear what the submitter had in mind and recommend this is also added to the title.
538. The Panel accepts Ms Easton's recommendation to add a new clause to Rule **MPZ-R11** regarding the design and location of vehicle access, as requested by GDC. We note Poutini Ngāi Tahu opposed this in FS41.743 but that their hearing statement recorded acceptance of the recommendation because this is a standard matter for all zones.

539. In relation to rules **MPZ-R12**, **MPZ-R13**, **MPZ-R15** and **MPZ-R16**, the Panel accepts Ms Easton’s recommended amendments in response to the submission points from Poutini Ngāi Tahu to clarify which matters of discretion do not apply when an Iwi/Papatipu Rūnanga Management Plan is in place. We also accept the recommendation to add an advice note to all restricted discretionary activities stating that applications will not be publicly notified and accept the submission point of Poutini Ngāi Tahu (S620.290) in this regard.
540. We accept Ms Easton’s recommendation to delete Rule **MPZ-R17** because it is unnecessary.
541. In relation to Rule **MPZ-R19**, the Panel accept Ms Easton’s recommendation to delete “Controlled” from the title to correct an error.
542. The Panel agrees with Ms Easton’s recommendation to replace “Non-rural activities” with “Conservation and Recreation Activities” in Rule **MPZ-R21**, for the reasons outlined.
543. In terms of the notification provisions of a number of rules in this section, the Panel understand these are ultra vires in that Council cannot require that applications will always be limited notified. A determination on that needs to be made under s95B of the RMA. In line with amendments in the SASM recommendations we propose that the wording be amended to “When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu”. We see this as a consequential amendment.

Hearing Panel’s Recommendation

544. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Māori Purpose Zone Rules**:

Māori Purpose Zone Rules
Permitted Activities
MPZ - R1 Māori Purpose
<p>Activities Activity Status</p> <p>Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum gross ground floor area of a single building is 500m²; 2. Maximum building height above ground level is 10m; 3. Maximum site coverage is 450%,¹³¹ 4. Buildings are setback a minimum of 104.5m¹³² from the road boundary, 20m from the State Highway Boundary, and 51m¹³³ from internal boundaries, except that: <ol style="list-style-type: none"> a. in the Arahura Pā settlement buildings are setback 5m from the road and any GRUZ - General Rural Zone or INZ - Industrial Zone boundary and 1m from internal boundaries;

¹³¹ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.280

¹³² Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.280

¹³³ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.280

5. The average residential density is no more than **one**¹³⁴ unit per **5300m²**¹³⁵ net site area in areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems; **and**¹³⁶
6. In areas not serviced by network utility operated wastewater, stormwater and water supply the average dwelling/papakāinga building density is no more than one unit and one minor residential unit per 1000m² net site area; **and**
7. **Where reticulated systems are available, buildings are connected to the reticulated wastewater, stormwater and water supply systems, and where these are not available wastewater, stormwater and water supply systems are designed to meet the relevant standards of NZS4404:2010.**¹³⁷

Advice Note:

Where a residential building or noise sensitive activity is located within:

- i. 80m of a State Highway with a speed limit of 70kph or greater; or
- ii. 40m of a State Highway with a speed limit of less than 70kph; or
- iii. 40m of a Railway Line; or
- iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
- v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports, **Haast Airfield**¹³⁸ or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Restricted Discretionary

MPZ - R2 Agricultural, Pastoral or Horticultural Activities or Buildings

Activity Status Permitted

Where:

1. The activity does not include intensive indoor primary production;
2. All performance standards for Rule MPZ-R1 are complied with;
3. The minimum separation distance between buildings housing more than **five**¹³⁹ animals or commercial livestock and a residential/settlement/rural lifestyle zone boundary shall be 100m and from any dwelling 30m, and from any other boundary 20m; **and**¹⁴⁰
4. The minimum separation distance between buildings housing more than 10 animals or commercial livestock and a residential/settlement/rural lifestyle zone boundary shall be 30m and from any dwelling on another site 50m, and from any other boundary 20m; **and**¹⁴¹
5. Performance standards for beekeeping in the Westland District apply as follows:
 - i. No bees may be kept on a property less than 600m² net site area; and
 - ii. Beehives must be placed with an obstruction in front of them or be elevated to ensure all bees are able to be 2.5m above ground level prior to crossing the site boundary.

Advice Note:

If land is used for disposal of effluent or solid waste then there may be rules that apply in the Regional Air Plan and Regional Land and Water Plan administered by West Coast Regional Council.

Activity status where compliance not achieved: Discretionary

¹³⁴ RMA First Schedule Clause 16(2)

¹³⁵ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.280

¹³⁶ RMA First Schedule Clause 16(2)

¹³⁷ Grey District Council S608.800

¹³⁸ Consequential amendment Laurence McGuire S458.001

¹³⁹ RMA First Schedule Clause 16(2)

¹⁴⁰ RMA First Schedule Clause 16(2)

¹⁴¹ RMA First Schedule Clause 16(2)

MPZ - R3 Conservation and Recreation Activities

Activity Status Permitted

Where:

1. All performance standards for Rule MPZ - R1 are complied with.

Activity status where compliance not achieved: Discretionary

MPZ - R4 Residential Activities

Activity Status Permitted

Where:

1. All performance standards for Rule MPZ-R1 are complied with.

Advice Note:

Where a residential building or noise-sensitive activity is located within:

- i. 80m of a State Highway with a speed limit of 70kph or greater; or
- ii. 40m of a State Highway with a speed limit of less than 70kph; or 40 m of a Railway
- iii. Line; or
- iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
- v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports, Haast Airfield¹⁴² or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Discretionary

MPZ - R5 Minor Structures

Activity Status Permitted Where:

1. All performance standards for Rule MPZ - R1 are complied with; and
2. The minor structures are identified in an Iwi/Papatipu Rūnanga Management Plan; or
3. If there is no Iwi/Papatipu Rūnanga Management Plan:
 - i. Masts, poles and aerials must not exceed 7m in height;
 - ii. Any antenna dish must be less than 1m in diameter;
 - iii. Any ornamental or garden structure must not exceed 2.4 m in height; and¹⁴³
 - iv. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Restricted Discretionary

MPZ - R6 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and¹⁴⁴
2. ~~The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.~~¹⁴⁵

Activity status where compliance not achieved: Discretionary

¹⁴² Consequential amendment Laurence McGuire S458.001

¹⁴³ RMA First Schedule Clause 16(2)

¹⁴⁴ RMA First Schedule Clause 16(2)

¹⁴⁵ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.285

MPZ - R7 Relocated Buildings

Activity Status Permitted

Where:

1. All performance standards for Rule MPZ - R1 are complied with; ~~and~~¹⁴⁶
2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built ~~to be~~ and¹⁴⁷ used as a dwelling;
3. A building pre-inspection report completed in accordance with Appendix Eleven¹⁴⁸ shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed on the exterior of the building. The report shall include a certification by the property owner that the exterior reinstatement works including connections to infrastructure services and closing in and ventilation of the foundations shall be completed within 12 months of the building being delivered to the site; and¹⁴⁹
4. The building shall be located on permanent foundations approved by building consent no later than two¹⁵⁰ months of the building being moved to the site; ~~and~~
5. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~¹⁵¹

Activity status where compliance not achieved: Restricted Discretionary

MPZ - R8 Visitor Accommodation that is not in a Marae Complex

Activity Status Permitted

Where:

1. This is ancillary to a Residential Activity, Agricultural, Horticultural or Pastoral Activity, Conservation Activity or Māori Purpose Activity;
2. All performance standards for Rule MPZ - R1 are complied with;
3. There is a maximum of six¹⁵² paying guests at any one time;
4. Notification to the District Council is required prior to the activity commencing; and
5. Records of letting activity must be kept and provided to the Council ~~on request~~ annually.¹⁵³

Advice Note:

Where a residential building or noise sensitive activity is located within:

- i. 80m of a State Highway with a speed limit of 70kph or greater; or
- ii. 40m of a State Highway with a speed limit of less than 70kph; or
- iii. 40m of a Railway Line; or
- iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or

¹⁴⁶ RMA First Schedule Clause 16(2)

¹⁴⁷ New Zealand Heavy Haulage Association Inc. S616.013

¹⁴⁸ New Zealand Heavy Haulage Association Inc. S616.013

¹⁴⁹ Consequential amendment stemming from William McLaughlin (S567.028, S567.674), Chris & Jan Coll (S558.208, S558.642) and Chris J Coll Surveying Limited (S566.208, S556.642)

¹⁵⁰ RMA First Schedule Clause 16(2)

¹⁵¹ Consequential amendment stemming from William McLaughlin (S567.028, S567.674), Chris & Jan Coll (S558.208, S558.642) and Chris J Coll Surveying Limited (S566.208, S556.642)

¹⁵² RMA First Schedule Clause 16(2)

¹⁵³ Grey District Council S608.127

- v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports, **Haast Airfield**¹⁵⁴ or Greymouth or Karamea Aerodrome;
- vi. 100m of a Rifle Range Protection Area identified in the Rifle Range Protection Area overlay. Then acoustic insulation requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Restricted Discretionary

MPZ - R9 Community Facilities, Park Furniture and Emergency Services Facilities¹⁵⁵

Activity Status Permitted

Where:

1. All performance standards for Rule MPZ - R1 are complied with.

Activity status where compliance not achieved: Restricted Discretionary

MPZ - R10 Buildings and Other Activities in accordance with an Iwi/Papatipu Rūnanga Management Plan not provided for in another Permitted Activity Rule

Activity Status Permitted

Where:

1. All performance standards for Rule MPZ - R1 are complied with.

Activity status where compliance not achieved: Restricted Discretionary

Restricted Discretionary Activities

MPZ - R11 Māori Purpose Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. The extent to which the proposal complies with any Iwi/Papatipu Rūnanga **Management Plan** in place for the site;
- b. Size, height, design and location of any buildings and structures;
- c. ~~Landscape measures~~ **Measures to mitigate landscape effects**,¹⁵⁶
- d. Density of any residential buildings; ~~and~~
- e. Methods of water supply, wastewater and stormwater treatment and disposal; **and**
- f. **Design and location of vehicle access**.¹⁵⁷

Activity status where compliance not achieved: N/A

Notification: Applications for activities under this rule will not be publicly notified.¹⁵⁸

MPZ -R12 Minor structures not meeting Permitted Activity Standards Activity

Status Restricted Discretionary

Where:

1. The minor structure does not exceed 10m in height; and
2. All other performance standards for Rule MPZ - R1 are complied with.

¹⁵⁴ Consequential amendment Laurence McGuire S458.001

¹⁵⁵ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.279

¹⁵⁶ Consequential Plan-wide amendment Manawa Energy Limited S438.100

¹⁵⁷ Grey District Council S608.803

¹⁵⁸ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.290

Discretion is restricted to:

- a. Compliance with any Iwi/Papatipu Rūnanga ~~M~~management ~~P~~plan in place for the site; **or**
- b. **If there is no Iwi/Papatipu Rūnanga Management Plan in place for the site:**¹⁵⁹
 - i. Design and location of structures; and
 - ii. ~~Landscape measures~~**Measures to mitigate landscape effects.**¹⁶⁰

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be publicly notified.¹⁶¹

MPZ - R13 Relocated buildings not meeting Permitted Activity Standards Activity

Status Restricted Discretionary

Where:

1. All performance standards for Rule MPZ - R1 are complied with.

Discretion is restricted to:

- a. Compliance with any Iwi/Papatipu Rūnanga ~~M~~management ~~P~~plan in place for the site; **or**
- b. **If there is no Iwi/Papatipu Rūnanga Management Plan in place for the site:**¹⁶²
 - i. Design and location of structures;
 - ii. Appearance of buildings; and
 - iii. ~~Landscape measures~~**Measures to mitigate landscape effects;**¹⁶³

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be publicly notified.¹⁶⁴

MPZ - R14 Intensive indoor primary production

Activity Status Restricted Discretionary

Where:

1. This is not within the Arahura Pā settlement area; and
2. All performance standards for Rule MPZ - R1 are complied with.

Discretion is restricted to:

- a. Compliance with any Iwi/Papatipu Rūnanga ~~M~~management ~~P~~plan in place for the site;
- b. Bulk and location of buildings;
- c. Management of traffic and parking;
- d. Management of odour;
- e. ~~Landscape measures~~**Measures to mitigate landscape effects,**¹⁶⁵
- f. Any impacts on the production values of the surrounding land;
- g. Effects on visual amenity and rural character; and
- h. Methods of water supply and effluent and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be publicly notified.¹⁶⁶

¹⁵⁹ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.292

¹⁶⁰ Consequential Plan-wide amendment Manawa Energy Limited S438.100

¹⁶¹ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.290

¹⁶² Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.293

¹⁶³ Consequential Plan-wide amendment Manawa Energy Limited S438.100

¹⁶⁴ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.290

¹⁶⁵ Consequential Plan-wide amendment Manawa Energy Limited S438.100

¹⁶⁶ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.290

MPZ - R15 Visitor and temporary worker accommodation not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

1. This is ancillary to a farming, conservation, residential or Māori purpose activity; and
2. All performance standards for Rule MPZ - R1 are complied with.

Discretion is restricted to:

- a. Compliance with any Iwi/Papatipu Rūnanga Mmanagement Plan in place for the site; **or**
- b. If there is no Iwi/Papatipu Rūnanga Management Plan in place for the site:**¹⁶⁷
 - i. Number of visitors/workers staying on site;
 - ii. Number of days of use for the accommodation;
 - iii. Management of traffic and parking;
 - iv. ~~Landscape measures~~**Measures to mitigate landscape effects;**¹⁶⁸
 - v. Any impacts on the production values of the surrounding land;
 - vi. Effects on visual amenity and rural character; and
 - vii. Methods of water supply and wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be publicly notified.¹⁶⁹

MPZ - R16 Community Facilities not meeting Rule MPZ - R9

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Compliance with any Iwi/Papatipu Rūnanga Mmanagement Plan in place for the site; **or**
- b. If there is no Iwi/Papatipu Rūnanga Management Plan in place for the site:**¹⁷⁰
 - i. Management of access, parking and traffic generation;
 - ii. Hours of operation;
 - iii. Noise management and lighting; **and**¹⁷¹
 - iv. ~~Landscape measures~~**Measures to mitigate landscape effects.**¹⁷²

Activity status where compliance not achieved: N/A

Notification: Applications for activities under this rule will not be publicly notified.¹⁷³

~~MPZ - R17 Non-rural Activities not meeting Permitted Activity Standards~~

~~Activity Status Restricted Discretionary~~

~~Where:~~

- ~~1. The maximum floor and yard area for any non-rural activity shall be 100m²; and~~
- ~~2. All performance standards for Rule MPZ - R1 are complied with.~~

~~**Discretion is restricted to:**~~

- ~~a. Compliance with any Iwi/Papatipu Rūnanga management plan in place for the site;~~
- ~~b. The extent to which the activity could be undertaken more appropriately in another zone;~~
- ~~c. Bulk and location of buildings;~~

¹⁶⁷ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.295

¹⁶⁸ Consequential Plan-wide amendment Manawa Energy Limited S438.100

¹⁶⁹ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.290

¹⁷⁰ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.296

¹⁷¹ RMA First Schedule Clause 16(2)

¹⁷² Consequential Plan-wide amendment Manawa Energy Limited S438.100

¹⁷³ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.290

- d. Management of traffic and parking;
- e. Management of odour;
- f. Landscape measures;
- g. Any impacts on the production values of the surrounding land;
- h. Effects on visual amenity and rural character; and
- i. Methods of water supply, wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary¹⁷⁴

MPZ - R187 Buildings and Other Activities in Accordance with an Iwi/Papatipu Rūnanga Management Plan not meeting Rule MPZ - R10

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Compliance with any Iwi/Papatipu Rūnanga ~~M~~management ~~P~~plan in place for the site;
- b. The extent to which the activity could be undertaken more appropriately in another zone;
- c. Bulk and location of buildings;
- d. Management of traffic and parking;
- e. Management of odour;
- f. ~~Landscape measures.~~ **Measures to mitigate landscape effects;**¹⁷⁵
- g. Any impacts on the production values of the surrounding land;
- h. Effects on visual amenity and rural character; and
- i. Methods of water supply, wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: N/A

Notification: Applications for activities under this rule will not be publicly notified.¹⁷⁶

Discretionary Activities

MPZ - R198 Agricultural, Pastoral and Horticultural Activities, Conservation and Recreation Activities not meeting Permitted, ~~Controlled~~¹⁷⁷ or Restricted Discretionary Activity Rules

Activity Status Discretionary

Notification:

Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio) **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**¹⁷⁸

Activity status where compliance not achieved: N/A

MPZ - R2019 Rural Industry or Intensive Indoor Primary Production not meeting Permitted or Restricted Discretionary Activity Rules

Activity Status Discretionary

Notification:

¹⁷⁴ WMS Group S599.141 and Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.297

¹⁷⁵ Consequential Plan-wide amendment Manawa Energy Limited S438.100

¹⁷⁶ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.290

¹⁷⁷ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.299

¹⁷⁸ Consequential amendment stemming from SASM recommendation

Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio) **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**¹⁷⁹

Activity status where compliance not achieved: N/A

MPZ - R210 ~~Non-rural~~ Conservation and Recreation¹⁸⁰ activities not meeting Permitted or Restricted Discretionary Activity Rules

Activity Status Discretionary

Notification:

Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio) **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**¹⁸¹

Activity status where compliance not achieved: N/A

MPZ - R221 Minor structures, Fences, Walls and Retaining Walls, and Relocated buildings not meeting Permitted or Restricted Discretionary Rules

Activity Status Discretionary

Notification:

Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio) **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**¹⁸²

Activity status where compliance not achieved: N/A

MPZ – R22 Mineral Extraction not meeting Permitted or Restricted Discretionary Rules.

Activity Status: Discretionary

Notification:

When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.¹⁸³

Activity status where compliance not achieved: N/A¹⁸⁴

Non-complying Activities

MPZ - R23 Residential activities and visitor accommodation activities not meeting Permitted or Restricted Discretionary Rules

Activity Status Non-complying

Notification:

Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio) **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**¹⁸⁵

Activity status where compliance not achieved: N/A

¹⁷⁹ Consequential amendment stemming from SASM recommendation

¹⁸⁰ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.302

¹⁸¹ Consequential amendment stemming from SASM recommendation

¹⁸² Consequential amendment stemming from SASM recommendation

¹⁸³ Consequential amendment stemming from SASM recommendation

¹⁸⁴ WMS Group S599.142

¹⁸⁵ Consequential amendment stemming from SASM recommendation

MPZ - R24 Any Activity not provided for in another Rule in the Zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

2.5. PORTZ - PORT ZONE – TAKIWĀ HŌHIPERA

- **Port Zone Chapter as a whole and Overview**

Submissions and Further Submissions

545. Seven submission points and two further submission points relating to the Port Zone (PORTZ) Chapter as a whole and the Overview were summarised in a Table on Page 98-99 of the s42A Report.
546. Two submissions points supported retaining the Port Zone provisions as notified. One submission sought amendments to the Overview.
547. Five submission points and one further submission point were received relating to the Port Zone as a whole. One sought to retain the provisions as notified and four sought amendments, with one further submission opposing in part an amendment.
548. The Panel has considered the submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

549. Ms Easton supported the inclusion of the more standardised and expanded “*Other relevant Te Tai o Poutini Plan provisions*” section in the Overview that was sought by Forest and Bird in relation to all SPZ.
550. Ms Easton acknowledged the support of WMS Group (S599.014) and KiwiRail (S442.011) for the definition of “*Port Activities*”. She also acknowledged the support of WDC (S181.056) for the objectives, policies and rules.
551. WMS Group (S599.144) sought that the Overview be amended to both refer to Jackson Bay Port and provide an explanation that the ports are critical infrastructure. Ms Easton supported this submission in part. She did not support the reference to Jackson Bay Port, as this was not within the Port Zone (discussed further below). She supported adding reference in the Overview to Ports being considered critical infrastructure (recommended to be regionally significant infrastructure) but considered the extent of wording proposed by the submitter was unnecessary.
552. Ms Easton did not support the submission points from WMS Group (S599.172 and S599.163) that sought that the area about Jackson Bay wharf currently used for port activities be rezoned Port Zone; or the alternative to have a Jackson Bay Port Specific Control Area included on the planning maps to provide more enabling provisions within this area. Ms Easton described the facilities at Jackson Bay and noted that the Port Zone was essentially a very enabling heavy industry zone and was considered inappropriate for use at Jackson Bay. She noted the area was zoned Settlement Zone and Coastal Settlement Precinct; and advised there were specific provisions within this zoning for the Jackson Bay

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

marine facilities. She highlighted Rule SETZ–R16 Port Activities at Jackson Bay Port which specifically identifies the allotments associated with the Port and provides for a range of Port Activities that can occur at those locations as a permitted activity. Ms Easton noted the Jackson Bay Port was currently very lightly developed and that the specific permitted activity rule would allow for the development of significant new facilities at the port to support the expansion of activity there, but within a framework that recognised the very undeveloped nature of the surrounding area and its location within a World Heritage Area.

553. GDC (S608.128) sought that the objectives and policies be consistent with “*regionally significant infrastructure*” in the RPS. Ms Easton supported this submission in part and proposed a new objective in response to specific submissions which identified the ports as regionally significant infrastructure.

554. Ms Easton recommended the PORTZ Overview be amended as follows:

Westport and Greymouth Ports are the major ports on the West Coast/Te Tai o Poutini **and are considered regionally significant infrastructure**. They are significant connections to the rest of New Zealand/Aotearoa me Te Waipounamu as well as providing the bases for the West Coast/Te Tai o Poutini fishing fleet....

555. Ms Easton did not support WMS Group’s (S599.143) request for additional land to be zoned Port Zone at Greymouth and Westport Ports because no information had been provided with the submission and she considered land used for port activities at Westport and Greymouth Ports had been appropriately zoned.

Hearing and Submitter Evidence/Statements

556. The Poutini Ngāi Tahu hearing statement supported the s42A Report recommendation to not rezone the Jackson Bay wharf area as Port Zone.

Reporting Officer Reply Evidence

557. No specific points were made in the Reply Evidence regarding the Port Zone generally.

Hearing Panel’s Evaluation

558. The Panel accept Ms Easton’s reasons and recommendation to not rezone the Jackson Bay wharf area Port Zone and to not include it in the Overview. We agree with Ms Easton that the Greymouth and Westport harbours are the major ports on the West Coast/Te Tai o Poutini, and it is appropriate both are referred in the Overview as regionally significant infrastructure.

Hearing Panel’s Recommendation

559. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes to the **Port Zone Overview**:

PORT ZONE - Te Takiwā Wāpu

Overview

Westport and Greymouth Ports are the major ports on the West Coast/Te Tai o Poutini **and are regionally significant infrastructure.**¹⁸⁶ They are significant connections to the rest of New Zealand/Aotearoa me Te Waipounamu as well as providing the bases for the West Coast/Te Tai o Poutini fishing fleet.

The PORTZ - Port Zone applies to the two ports and their surrounds and the zone's purpose is to enable the efficient operation and development of the ports and associated land and activities. Flexibility for the ports to develop and adapt is important. The ports have special operational needs and environmental effects,¹⁸⁷ and the special purpose zoning is tailored to address those needs and effects. This includes providing for a degree of operational flexibility subject to environmental considerations.

Essentially the PORTZ - Port Zone has been developed as a type of heavy industrial zone, which recognises Port Activities as the major use for the area. It does, however, provide for other types of activities, but recognises that amenity levels within the zone are likely to be unsuitable for some types of development to occur.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District - wide Matters chapters also contain provisions that may be relevant for port activities, including:

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters – there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Port Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the West Coast and in some locations natural hazard overlays may affect areas in the Port Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.**
- **Ecosystems and Indigenous Biodiversity – The Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Port Zone.**¹⁸⁸
- **Noise** - The Noise Chapter contains noise provisions for activities in the PORTZ - Port Zone.
- **Signs** - The Signs Chapter contains the provisions for signs for activities in the PORTZ - Port Zone
- **Light** - The Light Chapter contains the provisions for artificial outdoor light, for activities in the PORTZ -Port Zone.
- **Subdivision** - The Subdivisions chapter sets out the requirements for subdivision.
- **Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on local network utility infrastructure.

¹⁸⁶ WMS Group S599.144

¹⁸⁷ RMA First Schedule Clause 16(2)

¹⁸⁸ Royal Forest and Bird Protection Society Incorporated S560.391, S560.0541

PORTZ - Port Zone Objectives

Submissions and Further Submissions

560. Six submission points relating to the Port Zone objectives were summarised in a Table on pages 100-101 of the s42A Report. One submission points relating to the Port Zone objectives as a whole sought to retain the provision as notified and one sought amendment.
561. Two submission points relating to Objective **PORTZ - 01** sought to retain it as notified and one sought amendment.
562. One submission point supported Objective **PORTZ – 02** as notified.

Section 42A Report

563. Ms Easton acknowledged the support of BDC (\$538.619) and Te Mana Ora (\$190.1210, \$290.1211) for both objectives; and GDC's (\$60.808) support for PORTZ-O1.
564. Ms Easton supported WMS Group's (\$599.145) request to replace “*manage*” with “*enable*” and to include the “*safe and efficient operation*” but recommended alternative wording to address the submission from GDC, which sought two additional objectives.
565. GDC (\$608.129) sought that two new objectives to recognise and provide for the Ports as regionally significant infrastructure; to protect the Ports from reverse sensitivity effects. Ms Easton agreed that the additional objectives were useful but recommended alternative wording.
566. Ms Easton recommended that the PORTZ Objectives be amended as follows:

PORTZ - O1 ~~Manage~~ The safe and efficient maintenance, operation and upgrading of West Coast/Te Tai o Poutini ports is enabled and to sustain their current and future potential use and development is sustained.

PORTZ – O3 The West Coast/Te Tai o Poutini Ports are recognised and provided for as regionally significant infrastructure that contribute to the economic and social wellbeing of the region.

PORTZ – O4 The West Coast/Te Tai o Poutini Ports are protected from incompatible land use, subdivision and development that may result in reverse sensitivity effects.

Hearing and Submitter Evidence/Statements

567. No evidence was presented at the hearing in relation to the Port Zone objectives.

Reporting Officer Reply Evidence

568. No specific points were made in the Reply Evidence regarding the Port Zone objectives.

Hearing Panel's Evaluation

569. The Panel accepts Ms Easton's reasoning and recommended changes to PORTZ-O1. In terms of PORTZ-O2 we consider the term ‘*Minimise*’ is overly restrictive in terms of

addressing the effects of Port Activities and we are of the view that ‘*Manage*’ in this instance is a better term. We recommend this amendment based of the generic submission of Manawa to “*Replace the word ‘minimise’ with appropriate wording such as ‘avoid, remedy or mitigate’ throughout the Plan*”.

570. The Panel accepts Ms Easton’s recommendation to include two new objectives (PORTZ-03 and PORTZ-04) to give effect to the RPS. We consider PORTZ-03 and PORTZ-04 should specifically reference “*the Ports of Westport and Greymouth*” to acknowledge this only applies to regional significant infrastructure.

Hearing Panel’s Recommendation

571. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Port Zone Objectives**:

Port Zone Objectives
PORTZ - O1
Manage The safe and efficient maintenance, operation and upgrading of¹⁸⁹ West Coast/Te Tai o Poutini ports is enabled and to sustain their current and future potential use and development is sustained. ¹⁹⁰
PORTZ - O2
Minimise Manage¹⁹¹ effects of port activities on areas beyond those used for port activities, including adverse effects ion the adjacent coastal marine area.
<u>PORTZ – O3</u>
<u>The West Coast/Te Tai o Poutini ports of Westport and Greymouth are recognised and provided for as regionally significant infrastructure that contribute to the economic and social wellbeing of the region.</u> ¹⁹²
<u>PORTZ – O4</u>
<u>The West Coast/Te Tai o Poutini ports of Westport and Greymouth are protected from incompatible land use, subdivision and development that may result in reverse sensitivity effects.</u> ¹⁹³

PORTZ - Port Zone Policies

Submissions and Further Submissions

¹⁸⁹ Grey District Council S608.129

¹⁹⁰ WMS Group S599.145

¹⁹¹ Amendment resulting from Manawa (S438.001)

¹⁹² Grey District Council S608.129

¹⁹³ Grey District Council S608.129

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

572. Seventeen submission points and two further submission points relating to the Port Zone policies were summarised in the Table on pages 101-103 of the s42A Report. Three submission points and one further submission point relating to policies as a whole. One submission sought to retain the policies as notified and two sought amendments, with a further submission in support an amendment.
573. One submission point supported retaining **PORTZ – P1** as notified and three sought amendments, with further submission in support of an amendment.
574. One submission point supported retaining **PORTZ – P2** as notified.
575. Two submission points supported retaining **PORTZ – P3** as notified.
576. One submission supported retaining **PORTZ – P4** as notified.
577. One submission supported retaining **PORTZ – P5** as notified.
578. Two submission points supported retaining **PORTZ – P6** as notified and one sought its deletion.

Section 42A Report

579. Ms Easton acknowledged the support of BDC (S538.620) for the policies as a whole; GDC's (S608.810, S608.811) support for policies PORTZ – P1, PORTZ – P3 and PORTZ – P6.; and Te Mana Ora's (S190.1213, S190.1214, S190.1215, S190.1216) support for PORTZ – P2, PORTZ – P3, PORTZ – P4, PORTZ – P5 and PORTZ – P6.
580. WMS Group (S599.146) sought the addition of a new policy aimed at recognising the functional and operational needs of activities within the Port Zone. Ms Easton supported this submission in part and recommended an amendment to PORTZ–P1 as the best approach to address this matter, rather than a new policy.
581. GDC (S608.130) sought the addition of a new policy that supported other industrial activities occurring within the Port Zone. Ms Easton did not support this submission. She noted that the Port Zone was a very limited area, with a specific port location, and noted that other industrial zones were available for industrial activities not associated with the Port.
582. WMS Group (S599.147), Te Mana Ora (S190.1212) and GDC (S608.809, S608.131) sought that PORTZ-P1 be split into two policies. WMS Group and Te Mana Ora proposed essentially the exact same wording. GDC sought amended wording for the second policy to more directly refer to avoiding development that might affect port operations and reverse sensitivity effects, reflecting the additional objective that they also sought. Ms Easton supported these submissions in part. She agreed the policy should be split and recommended amended wording as follows:

PORTZ - P1 Enable the efficient operation, use and development and recognise the functional and operational needs of West Coast/Te Tai o Poutini ports. ~~by ensuring incompatible activities or developments do not compromise port operations or development of port and maritime~~

PORTZ – P7 Avoid incompatible activities or developments locating in the Port Zone where these could adversely affect the efficient operation or development of the port or result in reverse sensitivity effects arising.

583. Ms Easton did not support WMS Group’s (S599.148) request to delete PORTZ–P6. She noted that this was the only policy that directly referred to the requirement for performance standards to be included in the zone to protect the amenity of adjacent areas. She considered its deletion was highly inappropriate and disagreed with WMS Group that this policy did not give effect to the RPS, which sought to provide for regionally significant infrastructure. She considered that the RPS did not anticipate or direct that, in providing for regionally significant infrastructure, basic levels of residential amenity and health and safety of adjacent properties would not also be provided for.

Hearing and Submitter Evidence/Statements

584. No evidence was presented at the hearing regarding the Port Zone policies.

Reporting Officer Reply Evidence

585. No specific points were made in the Reply Evidence regarding the Port Zone policies.

Hearing Panel’s Evaluation

586. The Panel accepts Ms Easton’s reasoning and recommendation to split **PORTZ-P1** and to include a new Policy **PORTZ-P7**.

587. In relation to **PORTZ-P2, PORTZ-P3, PORTZ-P4, and PORTZ-P5**, the Panel accepts Ms Easton’s recommendation to retain these policies as notified.

588. The Panel agrees with Ms Easton that Policy **PORTZ-P6** should not be deleted because it is the only policy that directly refers to the requirement for performance standards to be included in the zone that protects the amenity of adjacent areas. We agree that the policy should be retained in its notified form.

Hearing Panel’s Recommendation

589. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part and recommends the following changes to the **Port Zone** policies:

Port Zone Policies
PORTZ - P1
Enable the efficient operation, use and development <u>and recognise the functional need and operational need</u> ¹⁹⁴ of West Coast/Te Tai o Poutini ports by ensuring incompatible activities or

¹⁹⁴ WMS Group S599.146

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

~~developments do not compromise port operations or development of port and maritime facilities.~~¹⁹⁵

PORTZ - P2

Provide for public use and access to areas adjoining West Coast/Te Tai o Poutini ports, for recreational and tourism purposes, provided this does not adversely affect the efficient and safe operation of marine and port activities.

PORTZ - P3

Provide for maintenance and development activities that increase West Coast/Te Tai o Poutini ports' resilience to natural hazards.

PORTZ - P4

Recognise the historic and cultural significance of the West Coast/Te Tai o Poutini ports and make use of opportunities to identify and enhance historic and cultural sites, values and taonga of cultural significance to Poutini Ngāi Tahu.

PORTZ - P5

Work co-operatively with the West Coast Regional Council and the Port Operators to address cross-boundary resource management issues deriving from activities undertaken within port areas.

PORTZ - P6

Impose performance standards on development and land use in the PORTZ - Port Zone that protects the amenity values of the adjacent commercial, residential and rural areas.

PORTZ – P7

Avoid incompatible activities or developments locating in the Port Zone where these could adversely affect the efficient operation or development of the port or result in reverse sensitivity effects arising.¹⁹⁶

PORTZ - Port Zone Rules

Submissions

590. Thirty-eight submission points relating to the Port Zone rules were summarised in a Table on pages 104-109 of the S42A Report.
591. Two submission points support amendments to the rules as a whole.
592. One submission point sought to retain **PORTZ-R1** as notified and four sought amendments.
593. One submission point sought to retain **PORTZ-R2** as notified, one sought amendment and one sought it be deleted.

¹⁹⁵ WMS Group S599.147, Te Mana Ora S190.1212 and Grey District Council S608.809

¹⁹⁶ WMS Group S599.147, Te Mana Ora S190.1212 and Grey District Council S608.809

- 594. Two submission points sought to retain **PORTZ-R3** as notified and one sought it be deleted.
- 595. Two submission points sought to retain **PORTZ-R4** as notified.
- 596. Three submission points sought to retain **PORTZ-R5** as and one sought it be deleted.
- 597. One submission point sought to retain **PORTZ-R6** as notified and two sought amendments.
- 598. One submission point sought to retain **PORTZ-R7** as notified, one sought amendment and one sought it be deleted.
- 599. Two submission points sought to retain **PORTZ-R8** as notified and one sought it be deleted.
- 600. Two submission points sought to retain **PORTZ-R9** as notified and one sought it be deleted.
- 601. Two submission points sought to retain **PORTZ-R10** as notified and one sought it be deleted.
- 602. Two submission points sought to retain **PORTZ-R11** and **PORTZ-R12** as notified.

Section 42A Report

Rules as a whole

- 603. Ms Easton provided context for the analysis of submissions on pages 109-111 of the s42A Report. Notably, she advised that since the Plan was notified, there had been renewed development in the port areas. She noted that there was now a focus on the ports being used as major points for the export of mineral aggregate from a recently consented mineral aggregate mine at Cape Foulwind, as well as other planned mines at Barrytown and Hokitika. She noted that WMS Group and the two Councils were the predominant submitters interested in undertaking significant development work at both ports to support mineral extraction and export operations.
- 604. WMS Group (S599.149) sought significant amendments to the Port Zone rules. Ms Easton supported this submission in part and recommended some changes to the provisions.
- 605. Poutini Ngāi Tahu (S620.306) sought that the Port Zone rules be amended to reflect the continuing culturally significant relationship of Poutini Ngāi Tahu with the water and the expansive ocean. Ms Easton supported this submission in part and acknowledged that, as currently drafted, the rules did not implement PORTZ-P4. However, she noted the submission had not identified any specific changes to the rules and invited Poutini Ngāi Tahu to identify at the hearing what changes they consider appropriate to the provisions.

PORTZ – R1 Port and Industrial Activities and Buildings

- 606. Ms Easton acknowledged the support from Te Mana Ora (S538.594) for this rule.
- 607. GDC (S608.132, S608.812), WMS Group (S599.150) and BDC (S538.621) all sought amendments to the performance standards in this rule. However, Ms Easton noted that the views of GDC and BDC regarding how the zone should be managed were quite different.

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

608. Ms Easton summarised the standards and changes sought in a Table on pages 11-113 of the s42A Report. In terms of rationale from each of these submitters, she noted GDC was concerned that overly restrictive rules would impinge on the operation and development of the port. Whereas, BDC sought that the provisions be amended to be effective in protecting the adjacent residential and other land use amenity; and that the standards relating to regional council responsibilities be removed. She noted WMS Group considered the provisions they opposed were unnecessary and did not recognise the regional significance of the Port. Ms Easton noted her general support for these submissions in part.
609. Ms Easton did not support an increase in setbacks from roads as sought by BDC. She acknowledged BDC was concerned about the impacts on residential amenity but noted that there were no residential zones adjacent to Westport Port and noted the effect of this change would be felt at Greymouth Port. She considered that increasing the setbacks from roads would create additional restrictions for little or no benefit.
610. Ms Easton supported the amendments proposed by both BDC and GDC in relation to storage, carpark screening, and landscaping; and specifically, that the fencing standard refer to a minimum 1.8m high solid fence and require that landscaping not restrict visibility at vehicle access points.
611. Ms Easton supported the deletion of the standards relating to vibration, blasting, dust and odour. She considered that vibration and blasting issues should be managed through the Noise Chapter if required. She was of the view that dust and odour were matters regulated by the Regional Council and did not need to be included in the Plan.
612. Ms Easton acknowledged that the Regional Council primarily manages water quality but considered a standard requiring the collection and treatment of stormwater runoff was appropriate given the direction in the NPS-FM. She advised that because the ports were effectively heavy industry locations immediately adjacent to freshwater bodies (the Grey and Buller Rivers), she considered that stormwater management was required to avoid, remedy, or mitigate adverse effects on the health and well-being of those waterbodies, freshwater ecosystems, and receiving environments. She considered GDCs' request to reference NZS 4404:2010 for stormwater and stormwater treatment was appropriate.
613. Ms Easton also supported the broader submission point of GDC that buildings should connect to network utility services where available or otherwise be designed and constructed to meet NZ4404:2010.
614. Ms Easton supported WMS Group request that the recession plane standard only apply to Residential Zone boundaries.
615. Ms Easton recommended amendments to PORTZ-R1 as follows:

PORTZ - R1

Port and Industrial Activities and Buildings Activity Status Permitted

Where:

1. The maximum building height above ground level is 20m;
2. Maximum site coverage is 80%;
3. Buildings are setback a minimum:
 - a. 5m from road boundaries, the rail corridor and any RESZ - Residential Zone or MUZ - Mixed Use Zone boundary; and
 - b. 10m from State Highways;

4. All external storage and car parking areas shall be screened by a **minimum** 1.8m **high solid** fence or landscaping so that it is not visible from any adjoining RESZ - Residential Zone boundary or adjoining public place outside of the PORTZ - Port Zone **except that landscaping shall not restrict the visibility of vehicle access;**
5. ~~Vibration from any site due to blasting shall not exceed a peak particle velocity of 5mm/sec measured in the frequency range 3-12 Hz at the notional boundary of any noise sensitive activity;~~
6. ~~Airblast overpressure from blasting shall not exceed a peak sound pressure level of 120 dBC at the notional boundary of any noise sensitive activity;~~
7. ~~There shall be no offensive or objectionable dust nuisance at or beyond the PORTZ - Port Zone boundary as a result of the activity;~~
8. ~~No noxious or offensive odour shall be detected beyond the PORTZ - Port Zone boundary that the activity occurs in;~~
9. The area adjoining the road frontage of all sites, and the side boundary of a site that adjoins a RESZ - Residential, OSRZ - Open Space and Recreation Zone or MUZ - Mixed Use Zone, shall contain landscaping with a minimum width of 2 metres which includes planting that will, within two years of being planted, reach a height of 1m, except that this does not apply to any emergency services facility or vehicle access to the site;
10. Stormwater run-off associated with any Port, industrial or commercial activity or building, including earthworks, shall be collected and treated prior to discharge ~~to ensure there are no significant adverse effects on water quality~~ **in accordance with the relevant standards of NZS4404:2010;**
11. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site **RESZ - Residential Zone**, boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing. This standard does not apply to:~~
 - i. Road boundaries;
 - ii. Buildings on adjoining sites that have a common wall along the boundary;
 - iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
 - iv. Antennas, aerials, satellite dishes (less than 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
 - v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.
12. **All buildings are connected to network utility services where they are available for water supply, wastewater and stormwater disposal. Where water supply, wastewater or stormwater services are not available then these systems shall be designed and constructed in accordance with the relevant standards of NZS4404:2010.**

Advice Notes:

1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.
2. Stormwater facilities that support multiple functions such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.

3. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.**

PORTZ – R2 Minor Structures

621. Ms Easton acknowledged the support of Te Mana Ora (S190.1219) for this rule.
622. Ms Easton supported BDC's (S538.622) request to delete clause (1); and agreed with GDC (S608.133), in part, that clauses (4) and (5) should be deleted because the performance standards were unnecessary. She recommended amendments as follows:

**PORTZ - R2 Minor
Structures Activity
Status Permitted**

Where:

- ~~1. All performance standards for Rule PORTZ – R1 are complied with except that compliance with standard 3 (setbacks) is not required;~~
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter and not project more than 3.5m above the highest point of any building they are attached to;
4. ~~Any ornamental structure must not exceed 2.4 m in height; and~~
5. ~~Any other structure must not exceed 10m² and 2m in height.~~

PORTZ – R3 Fences, Walls and Retaining Walls

623. Ms Easton acknowledged the support from Te Mana Ora (S190.1220) and BDC (S538.623).
624. GDC (S608.134) sought that the rule be deleted. Ms Easton did not support this submission point. She noted that excessively large fences or walls could have adverse effects on the amenity of adjacent areas. Ms Easton did not recommend any amendments to this rule.

PORTZ – R4 Commercial Activities

625. Ms Easton acknowledged the support of Te Mana Ora (S190.1221) and BDC (S538.624) for this rule. She did not recommend any amendments to this rule.

PORTZ – R5 Extension of the Coastal Cycleway

626. Ms Easton acknowledged the support of Te Mana Ora (S190.1222), BDC (S538.625) and GDC (S608.135) for this rule.
627. WMS Group (S599.151) sought that the rule be deleted. Ms Easton did not support this submission. WMS Group considered that the rule contained an *ultra vires* requirement for confirmation from the Council. Ms Easton considered that this could easily be addressed by amending “approval” to “certification” within the performance standard. She recommended the following amendment to the rule:

**PORTZ - R5 Extension of the Coastal Cycleway
Activity Status Permitted**

Where:

1. This is undertaken in accordance with a cycleway extension plan ~~approved~~

certified by the relevant District Council as not impeding the function of the Port.

PORTZ – R6 Ancillary Residential Activities

628. Ms Easton acknowledged the support of Te Mana Ora (S190.1223) for this rule. She also acknowledged GDC's (S608.813) support for the rule, subject to amendments being made to PORTZ–R1.
629. Ms Easton supported BDC's (S538.626) request to amend to clause (1) to improve clarity; delete clauses (3) because these were not relevant to the Westport Port Zone; and delete clause (d) because it was a Building Act matter. She did not support the request to delete the advice note as a consequential amendment to the changes the submitter sought to the Noise Chapter rules until the recommendation regarding relevant cross-referenced rule as confirmed. She considered any necessary changes to the advice note could be made as a consequential amendment to the relevant Noise Chapter recommendations.
630. Ms Easton recommended amendments to the rule as follows:

PORTZ - R6 Ancillary Residential Activities

Activity Status Controlled

Where:

1. One ~~single~~ residential unit per site is provided;
2. The residential activity is ancillary to the port, commercial or industrial activity on the site;
3. ~~The residential activity is located at the rear of the site or above ground level;~~
4. All performance standards for Rule PORTZ - R1 are complied with.

Matters of control are:

- a. Residential unit design;
- b. Residential unit location;
- c. Noise insulation requirements; and
- d. ~~Internal air quality requirements.~~

PORTZ – R7 Port and Industrial Activities and Buildings not meeting PORTZ - R1

631. Ms Easton noted the support of Te Mana Ora (S190.1224) for this rule and GDC's (S608.814) support, subject to the amendments it sought to PORTZ – R1 (which Ms Easton largely supported).
632. Ms Easton did not support BDC's (S538.627) request to delete this rule because she considered a restricted discretionary activity, with appropriate matters of discretion, was a sufficient level of oversight to regulate activities that infringed recession planes.
633. WMS Group (S599.152) sought to amend this rule so that the performance standard in relation to the recession plane was only in relation to a Residential Zone boundary; to delete clause (3) and matters of discretion (b) and (c); and to add a new matter of discretion "*whether the activity has a functional or operational need to be located within the recession plane*". Ms Easton supported this submission and noted the changes to the performance standard were consistent with her recommendations concerning PORTZ–R1. She agreed that as this rule only applied where a recession plane is infringed and therefore matters of discretion should be limited to those that were relevant.
634. Ms Easton recommended the following amendments to this rule:

PORTZ - R7 Port and Industrial Activities and Buildings not meeting PORTZ - R1 Activity Status Restricted Discretionary

Where:

1. The building does not comply with a recession plane as defined in Appendix Two to commence 2.5m above any boundary with a RESZ - Residential Zone projects into the 35 degree recession plane;
2. All other performance standards for Rule PORTZ-R1 are complied with; ~~and~~
3. ~~Rules NOISE – R8 and LIGHT – R2 are complied with.~~

Discretion is restricted to:

- a. Design, height, bulk and location of buildings;
- b. ~~Design and location of parking and access;~~ Whether the activity has a functional or operational need to be located within the recession plane; and
- c. ~~Management of hazardous substances in accordance with the objectives and policies of the Hazardous Substances chapter; and~~
- d. Landscape measures

PORTZ – R8 Minor Structures not meeting Rule PORTZ - R2

635. Ms Easton acknowledged the support of Te Mana Ora (S190.1225) and BDC (S538.628) for this rule.
636. GDC (S608.136) sought that this rule be removed as a consequential amendment to its submission on Rule PORTZ–R2. Ms Easton supported this submission in part and considered that these activities could be dealt with in their entirety as a restricted discretionary activity and that the performance standard could be deleted.
637. Ms Easton recommended the following amendments to this rule:

PORTZ - R8 Minor Structures not meeting Rule PORTZ - R2 Activity Status Restricted Discretionary

Where:

- ~~1. Performance standards 1–10 for Rule PORTZ–R1 are complied with.~~

Discretion is restricted to:

- a. Design and location of structures; and
- b. Landscape measures.

Activity status where compliance not achieved: ~~Discretionary~~ N/A

PORTZ – R9 Fences, Walls and Retaining Walls not meeting Rule PORTZ - R3

638. Ms Easton acknowledged the support of Te Mana Ora (S190.1226) and BDC (S538.629).
639. GDC (S608.137) sought that this rule be removed as a consequential amendment to their submission on Rule PORTZ–R3. Ms Easton did not support this submission for the reasons outlined in relation to Rule PORTZ–R3. She recommended retaining the rule as notified.

PORTZ – R10 Minor Structures, Fences and Walls not meeting Permitted, Controlled or Restricted Discretionary Activity Standards

640. Ms Easton acknowledged the support of Te Mana Ora (S190.1227) and BDC (S538.630).
641. Ms Easton supported GDC’s (S608.138) request to delete this rule be deleted because she considered these matters were best dealt with as a restricted discretionary activity as discussed under PORT–R8. She recommended deleting this rule.

PORTZ – R11 Port and Industrial Activities and Buildings not meeting Permitted, Controlled or Restricted Discretionary Activity Standards

642. Ms Easton acknowledged the support of Te Mana Ora (S190.1228) and the BDC (S538.631). for this rule. She recommended retaining the rule as notified.

PORTZ – R12 Any Activity Not Provided for in Another Rule in the Zone

643. Ms Easton acknowledged the support of Te Mana Ora (S190.1229) and BDC (S538.632) for this rule. She recommended retaining the rule as notified.

Hearing and Submitter Evidence/Statements

644. The Poutini Ngāi Tahu hearing statement confirmed support for the s42A Report recommendations in relation to the rules. In clarification, it requested a new matter of discretion “*Effects on Poutini Ngāi Tahu values*” be included in rule PORTZ-R7, PORTZ-R8 and PORTZ-R9.

Reporting Officer Reply Evidence

645. In response to questions from the Panel regarding the hearing statement from Poutini Ngāi Tahu, Ms Easton recommended adding a new matter of discretion “*Effects on Poutini Ngāi Tahu values*” to rules PORTZ-R7, PORTZ-R8 and PORTZ-R9.
646. In response to questions from the Panel on the discharge of dust, Ms Easton advised that, after considering the evidence presented at the hearings, generally, she had modified her view and considered that nuisance dust generated from unsealed yards from development could be addressed in a district plan. She noted site design and management could avoid nuisance dust that may not be regulated as an air discharge under the Air Plan.
647. In terms of vibration effects, Ms Easton considered that this was a Noise Chapter matter (as per the National Planning Standards) and remained of the opinion that the reference to vibration could be deleted.
648. In terms of blasting, she considered that this principally related to abrasive blasting and that this matter was adequately addressed in Rule 6 of the Regional Air Plan.
649. In terms of odour, Ms Easton advised that Chapter 6 of the Regional Air Plan addressed this matter. She noted that Rule 13 was very specific regarding the activities it regulated and concluded that any other activities that generate an objectionable or offensive odour were “*probably a discretionary activity*”. For this reason, Ms Easton considered that district plan regulation of odour within the Port Zone was also unnecessary.
650. Ms Easton reconsidered her recommendation on PORTZ–R1(7) following her analysis of the Regional Air Plan provisions relating to dust. She identified a policy gap in relation to residential activities and the nuisance effects of dust. On this basis, she has revised her view on this matter and considered it appropriate to retain PORTZ-R1(7) requiring no offensive or objectionable dust nuisance beyond the Port Zone boundary.

Hearings Panel’s Evaluation

651. In relation to Rule **PORTZ-R1**, the Panel agrees with Ms Easton’s assessment of the submissions on this rule and accepts her recommended amendments. We consider the amendments recognise and provide for the difference between the two Ports, particularly their differing proximity to neighbouring zones. We consider the amendments will not hinder port activities, while providing adequate protection for the surrounding environment, including freshwater and saltwater ecosystems. We agree with Ms Easton’s recommendation (as stated in her reply) to retain clause (7), which addresses dust nuisance due to the nature of the products handled at the ports. Regarding the standards that she recommends be deleted, we agree with her that the subject matter of those Standards can be addressed through means other than this Plan's provisions.
652. The Panel agrees with Ms Easton’s recommendation to retain Rule **PORTZ-R2** to permit minor structures and agree that clauses (1), (4) and (5) are necessary given the nature of port activities. We accept Ms Easton’s recommended changes.
653. The Panel accepts Ms Easton reasons and recommendation to retain rules **PORTZ-R3**, **PORTZ-R4**, **PORTZ-R11** and **PORTZ-R12** as notified.
654. In relation to Rule **PORTZ-R5**, the Panel agrees with Ms Easton that the submitters' concerns with this rule can be addressed by deleting the word ‘*approval*’ and replacing it with the word ‘*certified*’. Furthermore, we note that the Councils and the Ports would liaise before the construction of a cycleway, presumably over either port- or Council-owned land.
655. The Panel accepts Ms Easton’s reasons and recommended amendments to Rule **PORTZ-R6**.
656. The Panel agrees with Ms Easton that Rule **PORTZ-R7** not be deleted and agree a restricted discretionary activity classification, with appropriate matters of discretion, is a sufficient level of oversight to regulate activities. We agree the recession plane performance standard should only apply to a Residential Zone boundary, the matters of discretion concerning design and location of parking and access and management of hazardous substances are deleted, and to add a new matter of discretion “*whether the activity has a functional or operational need to be located within the recession plane*”. However, we consider activities not complying with the relevant district-wide noise and light rules should be considered as a discretionary activity under PORTZ-R11 and therefore recommend clause (3) is retained.
657. The Panel also accept Ms Easton’s recommendation to add new matter of discretion “*Effects on Poutini Ngāi Tahu Values*” to provide for the relationship of Poutini Ngai Tahu with the Ports area. We agree this new matter of discretion is appropriate for all restricted discretionary rules.
658. In relation to Rule **PORTZ-R8**, the Panel agrees with Ms Easton that these minor structure activities could be dealt with in their entirety as a Restricted Discretionary Activity and that performance standard (1) is be deleted.
659. The Panel accepts Ms Easton’s recommendation to retain Rule **PORTZ-R9** as notified, except for adding a new matter of discretion “*Effects on Poutini Ngāi Tahu Values*”.

660. In relation to Rule **PORTZ-R10**, the Panel accepts Ms Easton’s recommendation to delete this rule because the matters this rule seeks to address are best dealt with as a restricted discretionary activity as discussed under Rule PORTZ–R8.

Hearing Panel’s Recommendation

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

Port Zone Rules
Permitted Activities
PORTZ - R1
Port and Industrial Activities and Buildings
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. The maximum building height above ground level is 20m; 2. Maximum site coverage is 80%; 3. Buildings are setback a minimum: <ol style="list-style-type: none"> a. 5m from road boundaries, the rail corridor and any RESZ - Residential Zone or MUZ - Mixed Use Zone boundary; and b. 10m from State Highways; 4. All external storage and car parking areas shall be screened by a minimum 1.8m high solid¹⁹⁷ fence or landscaping so that it is not visible from any adjoining RESZ - Residential Zone boundary or adjoining public place outside of the PORTZ - Port Zone except that landscaping shall not restrict the visibility of vehicle access;¹⁹⁸ 5. Vibration from any site due to blasting shall not exceed a peak particle velocity of 5mm/sec measured in the frequency range 3-12 Hz at the notional boundary of any noise sensitive activity;¹⁹⁹ 6. Airblast overpressure from blasting shall not exceed a peak sound pressure level of 120 dBC at the notional boundary of any noise sensitive activity;²⁰⁰ 7. There shall be no offensive or objectionable dust nuisance at or beyond the PORTZ Port Zone boundary as a result of the activity; 8. No noxious or offensive odour shall be detected beyond the PORTZ Port Zone boundary that the activity occurs in;²⁰¹ 9. The area adjoining the road frontage of all sites, and the side boundary of a site that adjoins a RESZ - Residential, OSRZ - Open Space and Recreation Zone or MUZ - Mixed Use Zone, shall contain landscaping with a minimum width of 2 metres which includes planting that will, within two years of being planted, reach a height of 1m, except that this does not apply to any emergency services facility or vehicle access to the site; 10. 7. Stormwater run-off associated with any Port, industrial or commercial activity or building, including earthworks, shall be collected and treated prior to discharge

¹⁹⁷ Buller District Council S538.621

¹⁹⁸ Grey District Council S608.812

¹⁹⁹ Grey District Council S608.132

²⁰⁰ Grey District Council S608.132 and Buller District Council S538.621

²⁰¹ Grey District Council S608.132 and Buller District Council S538.621

~~to ensure there are no significant adverse effects on water quality²⁰² in accordance with the relevant standards of NZS4404:2010;~~²⁰³

~~11.8.~~ No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site **RESZ – Residential Zone**²⁰⁴ boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~²⁰⁵ This standard does not apply to

- i. Road boundaries;
- ii. Buildings on adjoining sites that have a common wall along the boundary;
- iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
- iv. Antennas, aerials, satellite dishes (less than 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
- v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

9. All buildings are connected to network utility services where they are available for water supply, wastewater and stormwater disposal. Where water supply, wastewater or stormwater services are not available then these systems shall be designed and constructed in accordance with the relevant standards of NZS4404:2010.²⁰⁶

Advice Notes:

1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.
2. Stormwater facilities that support multiple functions such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.
3. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.**²⁰⁷

Activity status where compliance not achieved: Discretionary for standards 1 – ~~107~~ and **9**, Restricted Discretionary for standard ~~118~~²⁰⁸

PORTZ - R2 Minor Structures

Activity Status Permitted

Where:

1. ~~All performance standards for Rule PORTZ – R1 are complied with except that compliance with standard 3 (setbacks) is not required;~~²⁰⁹

²⁰² Buller District Council S538.621

²⁰³ Grey District Council S608.812

²⁰⁴ WMS Group S599.150

²⁰⁵ Buller District Council S538.621

²⁰⁶ Grey District Council S608.812

²⁰⁷ Buller District Council S538.621

²⁰⁸ Consequential amendment Grey District Council S608.132, S608.812 and Buller District Council S538.621

²⁰⁹ Buller District Council S538.622

2. Masts, poles, aerials and pou whenua must not exceed 7m in height; **and**
3. Any antenna dish must be less than 1m in diameter and not project more than 3.5m above the highest point of any building they are attached to.
4. ~~Any ornamental structure must not exceed 2.4 m in height; and~~
5. ~~Any other structure must not exceed 10m and 2m in height.~~²¹⁰

Activity status where compliance not achieved: Restricted Discretionary

PORTZ - R3 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

Activity status where compliance not achieved: Restricted Discretionary

PORTZ - R4 Commercial Activities

Activity Status Permitted

Where:

1. All performance standards for Rule PORTZ - R1 are complied with; and
2. Any retail activity shall occupy no more than 250m² or 25% of the Gross Floor Area of all buildings on the same site, whichever is the lesser.

Activity status where compliance not achieved: Controlled

PORTZ - R5 Extension of the Coastal Cycleway

Activity Status Permitted

Where:

1. This is undertaken in accordance with a cycleway extension plan ~~approved~~ **certified**²¹¹ by the relevant District Council as not impeding the function of the Port.

Activity status where compliance not achieved: N/A

Controlled Activities

PORTZ - R6 Ancillary Residential Activities

Activity Status Controlled

Where:

1. One ~~single~~²¹² residential unit per site is provided;
2. The residential activity is ancillary to the port, commercial or industrial activity on the site;
3. ~~The residential activity is located at the rear of the site or above ground level;~~²¹³
4. All performance standards for Rule PORTZ-R1 are complied with.

Matters of control are:

²¹⁰ Grey District Council S608.133

²¹¹ WMS Group S599.151

²¹² Buller District Council S538.626

²¹³ Buller District Council S538.626

- a. Residential unit design;
- b. Residential unit location; **and**
- c. Noise insulation requirements; ~~and~~
- d. Internal air quality requirements.²¹⁴

Advice Note:

- ~~1.~~ The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 apply as a minimum in this location.

Activity status where compliance not achieved: Non-complying

Restricted Discretionary Activities

PORTZ - R7 Port and Industrial Activities and Buildings not meeting PORTZ - R1

Activity Status Restricted Discretionary

Where:

1. The building **does not comply with a recession plane as defined in Appendix Two to commence 2.5m above any boundary with a RESZ - Residential Zone projects into the 35 degree recession plane; and**²¹⁵
2. All other performance standards for Rule PORTZ-R1 are complied with; and
3. Rules NOISE - R8~~6~~ and LIGHT - R2 are complied with.

Discretion is restricted to:

- a. Design, height, bulk and location of buildings;
- b. ~~Design and location of parking and access;~~ **Whether the activity has a functional or operational need to be located within the recession plane;**²¹⁶
- c. ~~Management of hazardous substances in accordance with the objectives and policies of the Hazardous Substances chapter; and~~²¹⁷
- d. ~~Landscape measures~~ **Measures to mitigate landscape effects; and**²¹⁸
- e. **Effects on Poutini Ngāi Tahu values.**²¹⁹

Activity status where compliance not achieved: Discretionary

PORTZ - R8 Minor Structures not meeting Rule PORTZ - R2

Activity Status Restricted Discretionary

~~Where:~~

- ~~1. Performance standards 1-10 for Rule PORTZ - R1 are complied with.~~²²⁰

Discretion is restricted to:

- a. Design and location of structures; ~~and~~
- b. ~~Landscape measures~~ **Measures to mitigate landscape effects; and**²²¹
- c. **Effects on Poutini Ngāi Tahu Values.**²²²

Activity status where compliance not achieved: Discretionary **N/A**

²¹⁴ Buller District Council S538.626

²¹⁵ WMS Group S599.152

²¹⁶ WMS Group S599.152

²¹⁷ WMS Group S599.152

²¹⁸ Consequential Plan-wide amendment Manawa Energy Limited S438.100

²¹⁹ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.306

²²⁰ Grey District Council S608.136

²²¹ Consequential Plan-wide amendment Manawa Energy Limited S438.100

²²² Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.306

PORTZ - R9 Fences, Walls and Retaining Walls not meeting Rule PORTZ - R3

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Design and location of structures; and
- b. ~~Landscape measures~~ **Measures to mitigate landscape effects; and**²²³
- c. **Effects on Poutini Ngāi Tahu Values.**²²⁴

Activity status where compliance not achieved: N/A

Discretionary Activity

~~**PORTZ - R10 Minor Structures, Fences and Walls not meeting Permitted, Controlled or Restricted Discretionary Activity Standards**~~

~~**Activity Status Discretionary**~~

~~**Activity status where compliance not achieved: N/A**~~²²⁵

PORTZ - R140 Port and Industrial Activities and Buildings not meeting Permitted, Controlled or Restricted Discretionary Activity Standards

Activity Status Discretionary

Advice Note: When assessing applications for resource consent under this rule, where relevant, objectives and policies of the Hazardous Substances chapter should be considered.

Activity status where compliance not achieved: N/A

Non-complying Activities

PORTZ - R121 Any Activity Not Provided for in Another Rule in the Zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

2.6. STADZ - Stadium Zone - Te Takiwā Hākinakina

Definitions and Stadium Zone Chapter as a whole

Submissions

674. One submission point supported the definition of 'Stadium Activity'. One submission point n supported the Stadium Zone Chapter as a whole.

Section 42A Report

²²³ Consequential Plan-wide amendment Manawa Energy Limited S438.100

²²⁴ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.306

²²⁵ Grey District Council S608.138

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

675. Ms Easton supported the Ministry of Education Te Tāhuhu o Te Mātauranga's (S456.004) request to replace "*Childcare facilities*" with "*Educational facilities*" in the definition of Stadium Activity because it recognised the current activities within the zone at Greymouth.

676. Ms Easton acknowledged the WDC's (S181.057) support for the chapter as a whole.

Hearing and Submitter Evidence/Statements

677. No evidence was presented at the hearing in relation to the Stadium Zone Chapter.

Reporting Officer Reply Evidence

678. No specific points were made in the Reply Evidence regarding the Stadium Zone.

Hearing Panel's Evaluation

679. The Panel accepts Ms Easton's recommendation to replace '*Childcare facilities*' with '*Education facilities*' in the definition for Stadium Activity, which recognises that part of Greymouth High School is included within the Stadium Zone at Greymouth.

Hearing Panel's Recommendation

680. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission point identified in the footnote below is accepted, and recommend the following changes to the **Definitions**:

STADIUM ACTIVITY

means the use of land and/or buildings where the principal activities relate to the function of the facilities in the Stadium Zone. These include, but are not limited to:

1. Sport and recreation activity and events
2. Cultural, entertainment and exhibition activities including music festivals, concerts and performances
3. Trade fairs, market days and displays
4. Conference, meetings and functions including weddings
5. Sports and cultural activity related education
6. Museum facilities
7. After school/holiday programmes
8. ~~Childcare~~**Educational** facilities²²⁶
9. Physiotherapy and massage
10. Retail activities including café or retail sales that are ancillary to other activities on the site
11. Any ancillary activities necessary for the functioning of the facility, including ancillary office activity and ticket sales.

681. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission point identified in the footnote below is accepted or accepted in part and recommends the following changes to the **Stadium Zone Overview**:

²²⁶ Ministry of Education Te Tāhuhu o Te Mātauranga S456.004

Stadium Zone - Te Takiwā Hākinakina

Overview

The STADZ - Stadium Zone applies to the two major stadium facilities on the West Coast/Te Tai o Poutini - the Pulse Energy Events Centre in Westport and the Westland Recreation Centre in Greymouth. These two large facilities have multiple uses with a range of activities. Therefore, the flexibility to develop and adapt these facilities is important.

The intention of the STADZ - Stadium Zone is that the stadia will continue to be used for this purpose, together with other complementary activities. It is not anticipated that land use at the sites will change fundamentally.

The stadia and their associated activities have the potential for visual, noise, lighting/glare and traffic effects that may impact on surrounding land uses. The effects of activities within the area must be carefully managed to ensure that there are minimal adverse impacts on the rest of the community. Activities permitted within the STADZ - Stadium Zone are limited to those clearly associated with the operation and function of the stadium, or that make use of the stadium facility itself.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District - wide Matters chapters also contain provisions that may be relevant for stadium activities, including:

- a. **Noise** - The Noise Chapter contains noise provisions for activities in the STADZ - Stadium Zone.
- b. **Signs** - The Signs Chapter contains the provisions for signs for activities in the STADZ - Stadium Zone.
- c. **Light** - The Light Chapter contains the provisions for artificial outdoor light, for activities in the STADZ - Stadium Zone.
- d. **Natural Hazards** - The Natural Hazards Chapter contains provisions in relation to flood susceptibility which may be relevant in particular to the Pulse Energy Events Centre.
- e. **Ecosystems and Indigenous Biodiversity - The Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Stadium Zone.**²²⁷

STADZ – Stadium Zone Objectives

Submissions

682. Two submission points supported the Stadium Zone objectives as notified and one sought a minor amendment to correct the spelling of stadium.

Section 42A Report

683. Ms Easton acknowledged the support of Te Mana Ora (S190.1231, S190.1232, S190.1233).
684. GDC (S608.815) sought to correct a spelling error, which was supported by Ms Easton.

²²⁷ Royal Forest and Bird Protection Society Incorporated S560.391, S560.0541

Hearing and Submitter Evidence/Statements

685. No evidence was presented at the hearing in relation to the Stadium Zone objectives.

Reporting Officer Reply Evidence

686. No specific points were made in the Reply Evidence regarding the Stadium Zone objectives.

Hearing Panel's Evaluation

687. The Panel accepts Ms Easton's recommendation to correct the spelling error.

Hearing Panel's Recommendation

688. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission point identified in the footnote below is accepted and recommends the following changes to the **Stadium Zone Objectives**:

Stadium Zone Objectives
STADZ- O1
To enable efficient and effective operation of the stadia stadiums ²²⁸ in the STADZ - Stadium Zone
STADZ- O2
Land use development and activities are designed and operated to: a. Provide a good standard of on-site amenity for visitors; and b. Maintain and enhance the amenity of surrounding areas as far as is practicable.

STADZ – Stadium Zone Policies

Submissions

689. Six submission points relating to the Stadium Zone policies were summarised in a Table on page 120 of the s42A Report. One submission point supported Policy **STADZ – P1** as notified. One submission point supported Policy **STADZ–P2** as notified and one sought a spelling correction. One submission point supported Policy **STADZ–P3** as notified and two sought amendments.

Section 42A Report

690. Ms Easton acknowledged the support of Te Mana Ora (S190.1234, S190.1235, S190.1236) for the policies.

691. Ms Easton supported GDC's (S608.816) request to replace "*stadia*" with "*stadium*" to correct an error in STADZ–P2.

692. Ms Easton supported the Buller Conservation Group (S552.200) and Frida Inta's (S553.200) request that Policy STADZ–P3 be amended to refer to the adverse effects of light as well

²²⁸ Grey District Council S608.815

as noise and to require hooding of upwards light spill. She considered was appropriate for the policy to address light but she did not support the addition of text around upward hooding. She noted that the detailed management of light was addressed in the LIGHT Chapter.

693. Ms Easton recommended amendments to STADZ – P3 as follows:

STADZ - P3 Require land use activities and development to be designed and operated to ensure that adverse effects of noise **and light** on the amenity of adjacent residential areas are minimised.

Hearing and Submitter Evidence/Statements

694. Ms Inta reiterated her submission points on STADZ – P3.

Reporting Officer Reply Evidence

695. No specific points were made in the Reply Evidence regarding the Stadium Zone policies.

Hearing Panel's Evaluation

696. The Panel accepts Ms Easton's recommendation to retain **STADZ-P1** and **STADZ-P2** as notified, except for correcting the spelling error in STADZ-P2.

697. The Panel accepts Ms Easton's recommendation to include light in **STADZ-P3**. We note Rule LIGHT-R2 applies to artificial outdoor light in the Stadium Zone.

Hearing Panel's Recommendation

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

Stadium Zone Policies
STADZ – P1 Provide for activities ancillary to the stadium function: a. Which support the efficient and effective operation of the stadium; and b. Are not more appropriately located in another zone.
STADZ - P2 Provide for flexibility of use of the stadium stadiums ²²⁹ , recognising a range of uses are likely to be needed to support financial viability but avoiding residential and industrial activities.
STADZ - P3 Require land use activities and development to be designed and operated to ensure that adverse effects of noise and light ²³⁰ on the amenity of adjacent residential areas are minimised.

²²⁹ Grey District Council S608.816

²³⁰ Buller Conservation Group S552.200 and Frida Inta S553.200

STADZ – Stadium Zone Rules

699. Twelve submission points relating to the Stadium Zone rules were summarised on a Table on page 121 of the S42A Report. One submission point supported Rule **STADZ-R1** as notified and two sought amendments. One submission point supported Rules **STADZ R2** and **STADZ R3** as notified. Three submission points supported Rule **STADZ-R4** as notified and one sought amendment.

Section 42A Report

700. Ms Easton acknowledged the support of Te Mana Ora (S190.1237, S190.1238, S190.1239, S190.1240, S190.1241, S190.1242, S190.1243, S190.1244) for all the rules.; and GDC’s (S608.817) support for Rule STADZ–R4.
701. Ms Easton did not support the Buller Conservation Group (S552.201) and Frida Inta’s (S553) request for an additional permitted activity standard for noise and light because these were managed by appropriate noise and light performance standards in the District-Wide Chapters, in accordance with the National Planning Standards.
702. The New Zealand Heavy Haulage Association Inc (S616.012) sought amendments to the relocated buildings Rule STADZ-R4, which were the same as those sought in other similar rules in other zones. Ms Easton did not support this submission and considered the proposed wording did not improve the notified wording.
703. Ms Easton recommended retaining the rules as notified. However, Appendix 1 of the s42A Report shows consequential amendments to STADZ-R1(5) regarding recession planes and the addition of an advice note referring to the Deemed Permitted Activity Boundaries process, where boundary setbacks are infringed.

Hearing and Submitter Evidence/Statements

674. Ms Inta reiterated her submission points on the Stadium Zone rules.
675. The New Zealand Heavy Haulage Association Inc (S616.012) did not present any further information to support their submission point in relation to Rule STADZ-R4.

Reporting Officer Reply Evidence

676. No specific points were made in the Reply Evidence regarding the Stadium Zone rules.

Hearings Panel’s Evaluation

677. The Panel accepts Ms Easton’s recommendation to retain the Stadium Zone rules as notified, except for consequential amendments to STADZ-R1 to be consistent with changes to other equivalent rules in relation to recession planes. We also recommend amendments to STADZ-R4 to include reference to new Appendix Eleven providing guidance for pre-inspection reports for relocated buildings.

Hearing Panel’s Recommendation

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

Stadium Zone Rules
<p>Permitted Activities</p> <p style="background-color: #d3d3d3;">STADZ - R1 Stadium Activity</p> <p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The maximum height above ground level is 15 metres. This height limit does not include: <ol style="list-style-type: none"> a. Solar water heating components, antennas, aerials, flues, chimneys, satellite dishes (less than 1m in diameter), hydro slides and architectural features (e.g. finials, spires) that do not exceed the height by more than 1m; 2. The maximum building length is 20m where this abuts a RESZ - Residential Zone; 3. All outdoor rubbish and collection areas must be fully screened with a fence that is 1.8m in height measured from ground level so that it is not visible from any adjoining residential zone boundary; 4. Any building or structure including car parking areas, outdoor storage and rubbish collection areas must be set back: <ol style="list-style-type: none"> a. 3m from any RESZ - Residential Zone or OSZ - Open Space Zone; and b. 3m from the road boundary; 5. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary, except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.²³¹ This standard does not apply to: <ol style="list-style-type: none"> i. Road boundaries; ii. Buildings on adjoining sites that have a common wall along the boundary; iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard; iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically. <p>Advice Notes:</p> <ol style="list-style-type: none"> 1. The Westport Pulse Energy Events Centre is within the Westport Hazard Overlay. Refer to the Natural Hazards Chapter for relevant finished floor height requirements. 2. <u>Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.</u>²³² <p>Activity status where compliance not achieved: Restricted Discretionary</p>
STADZ - R2 Minor Structures

²³¹ Consequential amendment Buller District Council S538.621

²³² Consequential amendment Buller District Council S538.621

Activity Status Permitted

Where:

1. All performance standards for Rule STADZ - R1 are complied with;
2. Masts, poles, aerals and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height; and
5. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Restricted Discretionary

STADZ - R3 Fences Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level.

Activity status where compliance not achieved: Restricted Discretionary

STADZ - R4 Relocated Buildings

Activity Status Permitted

Where:

1. All performance standards for Rule STADZ - R1 are complied with;
2. A building pre-inspection report **completed in accordance with Appendix Eleven**²³³ shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12 month period **of the building being delivered to the site; and**²³⁴
3. The building shall be located on permanent foundations approved by building consent no later than **two**²³⁵ months of the building being moved to the site; ~~and~~
4. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated building shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~²³⁶

Advice Note:

The Westport Pulse Energy Events Centre is within the Westport Hazard Overlay. Refer to the Natural Hazards Chapter for relevant finished floor height requirements.

Activity status where compliance not achieved: Restricted Discretionary

Restricted Discretionary

²³³ New Zealand Heavy Haulage Association Inc. S616.012

²³⁴ Consequential amendment stemming from William McLaughlin (S567.028, S567.674), Chris & Jan Coll (S558.208, S558.642) and Chris J Coll Surveying Limited (S566.208, S556.642)

²³⁵ RMA First Schedule Clause 16(2)

²³⁶ Consequential amendment stemming from William McLaughlin (S567.028, S567.674), Chris & Jan Coll (S558.208, S558.642) and Chris J Coll Surveying Limited (S566.208, S556.642)

STADZ - R5 Stadium Activities, Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Discretion is restricted to:

1. Design, size, height and location of buildings, structures and facilities;
2. Screening, planting and landscape measures;
3. Shading and privacy impacts on neighbouring properties;
4. Any adverse effects on the streetscape;
5. Any adverse effects on the amenity of neighbouring properties;
6. Geotechnical and drainage requirements; and
7. The extent to which the infringement is necessary due to the shape, natural or physical features of the site.

Activity status where compliance not achieved: N/A

Non-complying Activities

STADZ - R6 Residential buildings and activities

Activity Status Non-complying

Activity status where compliance not achieved: N/A

STADZ - R7 Industrial activities

Activity Status Non-complying

Activity status where compliance not achieved: N/A

STADZ - R8 Any Activity Not Provided for in Another Rule in the Zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

2.7. SVZ - SCENIC VISITOR ZONE – TE TAKIWĀ MANUHURU TIROTIRO TAI AO

Scenic Visitor Zone Chapter as a whole

Submissions and Further Submissions

679. Seven submission points on the Scenic Visitor Zone (SVZ) Chapter as a whole and relevant definitions were summarised in a Table on Pages 123-124 of the s42A Report. Two submissions sought to retain the provisions, two sought amendments and three opposed the provisions either in whole or in respect of individual properties. A further submission supported the submission point that sought to delete the SVZ.

Section 42A Report

680. Ms Easton acknowledged the support of Director General of Conservation (S602.234) and WDC (S181.065) for the SVZ as notified.
681. Ms Easton supported the inclusion of the more standardised and expanded “Other relevant Te Tai o Poutini Plan provisions” section in the Overview, as outlined earlier.

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

682. Ms Easton did not support Karen Lippiatt's (S439.001) request to delete the SVZ and replace it with Settlement Zone instead because she considered the Settlement Zone was essentially a residential zone and the SVZ was a bespoke commercial zone.
683. Jane Whyte & Jeff Page (S467.002) sought that the Plan enable the continuation of the mix of uses at Punakaiki Village, and if necessary, the upgrade and replacement of the various buildings and structures associated with this. Ms Easton supported this submission in part and recommended amendments to the specific rules within the zone to recognise the issues raised in the submission.
684. The zone changes sought by the Scenic Hotel Group (S483.002) and (S483.005) are addressed in a separate section of this Report below.
685. The West Coast Wildlife Centre's (S1.001) request to rezone its facility on land adjacent to 32 Cron Street is addressed in a separate section of this Report below.
686. Ms Easton recommended no changes to the SVZ Chapter in response to submissions.

Hearing and Submitter Evidence/Statements

687. No evidence was presented at the hearing in relation to the submission points on the SVZ Chapter as a whole.

Reporting Officer Reply Evidence

688. No specific points were made in the reply regarding the SVZ Chapter as a whole.

Hearing Panel's Evaluation

674. The Panel accepts Ms Easton's recommendation that no amendments are required in response to submissions on the SVZ Chapter as a whole, except for Plan-wide amendments to the "*Other relevant Te Tai o Poutini Plan provisions*" section in the Overview.

Hearing Panel's Recommendation

675. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommends the following changes to the **Scenic Visitor Zone Overview**:

Scenic Visitor Zone
Overview
This zone recognises the unique tourism and scenic qualities of the commercial areas of Fox Glacier/Weheka, Franz Josef/Waiiau and Punakaiki townships.
These three areas sit adjacent to the Tai Poutini/Westland National Park, and Paparoa National Park respectively. They are located in areas of spectacular natural and cultural value, and development needs to respect the qualities of the environment in which they are located.

Because of their spectacular locations, these townships are among the most visited in the country, and form key tourism and visitor infrastructure for the West Coast/Te Tai o Poutini.

In the case of the glacier towns of Franz Josef/Waiau and Fox Glacier/Weheka, tourism numbers have reached as high as 750,000 per annum (6000 people per day), with 450,000 people per annum visiting Punakaiki. The communities themselves, however, are home to a few hundred people, so the main focus of the commercial areas is supporting visitor activity.

Alongside their scenic locations, these three townships are all threatened by significant natural hazards - coastal erosion and rockfall at Punakaiki, **and**²³⁷ flooding and the Alpine Fault at Fox Glacier/Weheka and Franz Josef/Waiau. Climate change may also threaten these natural features.²³⁸ As part of the development of these areas over time, Te Tai o Poutini Plan seeks to increase the respective townships resilience to natural hazards. At Franz Josef/Waiau, where the Alpine Fault crosses through the centre of the township, and the Waiho River also poses a significant threat, development away from the faultline and river is supported by the Plan. This includes through changes in zoning provisions, as well as the natural hazards provisions in the Natural Hazards Chapter.²³⁹

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-Wide²⁴⁰ Matters chapters also contain provisions that may be relevant for activities in the SVZ - **Scenic**²⁴¹ Visitor Zone, including:

- ~~a. Overlay Chapters – the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape; riparian areas; natural hazards; and the coastal environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.²⁴²~~
- a. Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Scenic Visitor Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- b. Natural Hazards - natural hazards are widespread on the West Coast and in some locations natural hazard overlays may affect areas in the Scenic Visitor Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.**
- c. Natural Character and Margins of Waterbodies - in some locations areas of Scenic Visitor Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.**

²³⁷ RMA First Schedule Clause 16(2)

²³⁸ RMA First Schedule Clause 16(2)

²³⁹ RMA First Schedule Clause 16(2)

²⁴⁰ RMA First Schedule Clause 16(2)

²⁴¹ RMA First Schedule Clause 16(2)

²⁴² Royal Forest and Bird Protection Society Incorporated S560.391, S560.0541

- d. **Ecosystems and Indigenous Biodiversity – the Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Scenic Visitor Zone. These are in addition to the specific provisions in Rules SVZ – R1 and SVZ – R5 in relation to vegetation clearance in the Punakaiki Scenic Visitor Zone.**
- e. **Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment Chapter contains provisions for activities within these areas.**
- f. **Subdivision** - The Subdivision chapter sets out the requirements for subdivision activities in the SVZ - Scenic Visitor Zone.
- g. **Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators.

SVZ – Scenic Visitor Zone Objectives

Submissions

676. Eleven submission points relating to the SVZ objectives were summarised in a Table on pages 125-126 of the s42A Report. Ten submission points sought to retain the provisions as notified and one sought amendment.

Section 42A Report

677. Ms Easton acknowledged the support of William McLaughlin (\$567.711), Chris & Jan Coll (\$558.683), Chris J Coll Surveying Limited (\$566.683), Laura Coll McLaughlin (\$574.683), Te Mana Ora (\$190.1246, \$190.1247), Paparoa Track Services (\$605.033), Jane Whyte & Jeff Page (\$467.009) and Neil Mouat (\$535.070, \$535.071) to the objectives as notified.
678. Poutini Ngāi Tahu (\$620.307) sought amendments to Objective SVZ – O1 to refocus this to be about the relationship of Poutini Ngāi Tahu with their ancestral lands, sites and areas. Ms Easton did not support this submission. As discussed above, Ms Easton noted that the zone was a bespoke commercial zone reflecting the scenic and tourist nature of the commercial areas of the three townships
679. Ms Easton recommended that no changes be made to the SVZ objectives.

Hearing and Submitter Evidence/Statements

680. The Poutini Ngāi Tahu hearing statement addressed Objective SVZ-01 and sought the following alternative amendment to the substantial wording amendment sought in submissions – “...*unique values (including Poutini Ngai Tau values)*...”. It considered this was necessary to be consistent with the other objectives in the Plan that balances growth and visitor needs with Poutini Ngāi Tahu values.

Reporting Officer Reply Evidence

681. No specific points were made in the Reply Evidence regarding the Scenic Visitor Zone objectives.

Hearing Panel's Evaluation

682. The Panel agrees with Ms Easton's recommendation not to amend Objective SVZ-O1, as requested by Poutini Ngāi Tahu in the original submission, because it would change the focus of the objective of the zone from providing a bespoke commercial zone reflecting the scenic and tourist nature of the commercial areas of the three townships. However, we consider the alternative wording suggested in the hearing statement of Poutini Ngāi Tahu is appropriate and links well with SVZ-P6(d) without changing the focus of the Objective. We recommend adding this alternative wording and accept in part the submission point of Poutini Ngāi Tahu (S620.307).

683. The Panel accepts Ms Easton's recommendation to retain Objective SVZ-O2 as notified.

Hearing Panel's Recommendation

684. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends no changes to the **Scenic Visitor Zone Objectives**:

Scenic Visitor Zone Objectives
SVZ - O1 To provide for community and visitor needs in the Fox Glacier/Weheka, Franz Josef/Waiau and Punakaiki townships in a way that delivers protection of the unique <u>values (including Poutini Ngāi Tahu values)</u> ²⁴³ that attracts visitors and benefits the local and regional economies and communities.
SVZ - O2 To support the expansion of the Fox Glacier/Weheka and Franz Josef/Waiau townships into areas of lower risk from natural hazards and to reduce the risk where existing development is located in high-risk natural hazard locations.

SVZ – Scenic Visitor Zone Policies

Submissions and Further Submissions

685. The submission points and further submission points relating to the SVZ policies were summarised in a Table on pages 127-130 of the s42A Report.
686. Five submission points supported retaining Policy **SVZ-P1** as notified and three submission points sought amendments, with one further submission supporting an amendment.
687. Five submission points supported retaining Policy **SVZ-P2** as notified and one opposed the policy but did not state a reason.
688. Eight submission points supported retaining Policy **SVZ-P3** as notified.

²⁴³ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.307

689. One submission point supported retaining Policy **SVZ–P4** as notified and seven sought amendments.
690. Eight submission points and a further submission supported retaining Policy **SVZ–P5** as notified.
691. Five submission points supported retaining Policy **SVZ–P6** as notified and three sought amendments.
692. Five submission points and a further submission point supported retaining Policy **SVZ–P7** as notified.

Section 42A Report

693. Ms Easton acknowledged that most submissions on the policies were in support.
694. Ms Easton did not support Paparoa Track Services (S605.034) and Jane Whyte & Jeff Page’s (S467.010) request to include a new clause in Policy SVZ – P1 that recognised the existing mixed character of commercial and residential uses of Punakaiki Township. She noted that all the land zoned SVZ in Punakaiki (to which this policy applies) was used for commercial purposes (or not yet developed) and that the intent of the Plan was to protect existing and potential commercial use and recognise the very limited private land undeveloped at Punakaiki.
695. Ms Easton supported Paparoa Track Services (S605.036) and Jane Whyte & Jeff Page’s (S467.012) request to amend Policy SVZ-P1 to recognise that development should be sympathetic to both scenic and built environments.
696. William McLaughlin (S567.715), Chris & Jan Coll (S558.687), Chris J Coll Surveying Limited (S566.687), Laura Coll McLaughlin (S574.687) and Neil Mouat (S535.075) sought that SVZ–P4 be amended to include specific references to both visitor accommodation and worker accommodation. Ms Easton supported these submissions and considered that these were essential components for these locations that were appropriately located within the SVZ.
697. Ms Easton recommended amendments to Policy SVR–P4 as follows:

SVZ - P4 Support the development of appropriate tourism and visitor businesses such as visitor accommodation, visitor attractions, worker accommodation and tourism support facilities that relate to the scenic and built environment in which they are located.
698. Poutini Ngāi Tahu (S620.309) sought that Policy SVZ-P6 be amended to delete the word “*cultural*” and refer to Poutini Ngāi Tahu values. Ms Easton supported this and considered it was consistent with other recommended changes in the Plan.
699. Paparoa Track Services (S605.037) and Jane Whyte & Jeff Page (S467.013) sought that Policy SVZ-P6 to amended to add a new clause “*Reflect the character of the existing built environment*”. Ms Easton supported this in part and she considered this matter could be added to clause (b).
700. Ms Easton recommended amendments to Policy SVR–P6 as follows:

SVZ - P6 Require high-quality design outcomes within the SVZ - Scenic Visitor Zone that:

- a. Recognise and respond to the natural character and scenic landscape values of the area;
- b. Have appropriate controls on design and height to protect the landscape, **existing built environment** and natural character values;
- c. Create a safe and vibrant pedestrian environment with continuous verandah coverage in the Main Street Frontage of Fox Glacier/Weheka and Franz Josef/Waiiau;
- d. Recognise and provide for Poutini Ngāi Tahu ~~cultural~~ values; and
- e. Avoid the significant risks of natural hazards.

Hearing and Submitter Evidence/Statements

701. The hearing statement of Poutini Ngāi Tahu noted support for Policies SVZ – P5 and SVZ – P6 as recommended in the s42A Report.

Reporting Officer Reply Evidence

702. No specific points were made in the Reply Evidence regarding the SVZ policies.

Hearing Panel’s Evaluation

703. In relation to Policy **SVZ-P1**, the Panel agrees with Ms Easton that a new clause is not necessary given all of the SVZ land at Punakaiki is used for commercial purposes or is not yet developed.

704. The Panel accepts Ms Easton’s recommendation to retain policies **SVZ–P2, SVZ–P3, and SVZ–P5** as notified.

705. In relation to Policies **SVZ–P4** and **SVZ–P6**, the Panel accepts Ms Easton’s recommended amendments for the reasons outlined.

Hearing Panel’s Recommendation

706. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Scenic Visitor Zone policies**:

Scenic Visitor Zone Policies
SVZ - P1
Provide for growth and change to the Fox Glacier/Weheka, Franz Josef/Waiiau and Punakaiki townships that: <ol style="list-style-type: none"> a. Supports the long-term viability of the commercial areas and the communities that support them; b. Recognises the unique scenic qualities of the environments and does not compromise the dominance of the natural landscape setting in which the townships are located; and c. Avoids locating further development in areas at greatest risk from significant natural hazards.

SVZ - P2
Provide for new commercial development areas beyond the current Fox Glacier/Weheka and Franz Josef/Waiiau centres where these are at lower risk from natural hazards and avoid areas of high hazard risk.
SVZ - P3
Recognise the significance of the three townships to the wider visitor economy of the West Coast/Te Tai o Poutini and enable the further development of these areas as world class visitor destinations.
SVZ - P4
Support the development of appropriate tourism and visitor businesses such as visitor accommodation, visitor attractions, worker accommodation ²⁴⁴ and tourism support facilities that relate to the scenic and built ²⁴⁵ environment in which they are located.
SVZ – P5
Within the SVZ - Scenic Visitor Zone ensure: <ol style="list-style-type: none">Sufficient sewerage, stormwater, water supply, refuse disposal, roading, footpath, open space and parking infrastructure is provided as part of new development;Where new wastewater disposal infrastructure is developed, this takes a land-based disposal approach, recognising the importance of natural environment and Poutini Ngāi Tahu values in these locations; andIndustrial activities are avoided.
SVZ - P6
Require high quality design outcomes within the SVZ - Scenic Visitor Zone that: <ol style="list-style-type: none">Recognise and respond to the natural character and scenic landscape values of the area;Have appropriate controls on design and height to protect the landscape, existing built environment²⁴⁶ and natural character values;Create a safe and vibrant pedestrian environment with continuous verandah coverage in the Main Street Frontage of Fox Glacier/Weheka and Franz Josef/Waiiau;Recognise and provide for Poutini Ngāi Tahu cultural²⁴⁷ values; andAvoid the significant risks of natural hazards.

SVZ – Scenic Visitor Zone Rules

674. The submission points and further submission points relating to the SVZ rules were summarised in a Table on pages 131-136 of the s42A Report.
675. Twenty-four submission points relating to Rule **SVR-R1**. One submission point sought the rule be retained as notified, 20 sought amendments and three opposed the rule in part.
676. Five submission points and a further submission supported retaining Rule **SVR-R2** as notified and one sought amendment, with a further submission supporting this.

²⁴⁴ William McLaughlin S567.715, Chris & Jan Coll S558.687, Chris J Coll Surveying Limited S566.687, Laura Coll McLaughlin S574.687 and Neil Mouat S535.075

²⁴⁵ Paparoa Track Services S605.036 and Jane Whyte & Jeff Page S467.012

²⁴⁶ Paparoa Track Services S605.037 and Jane Whyte & Jeff Page S467.013

²⁴⁷ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.309

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

677. Five submission points supported retaining Rule **SVR-R3** as notified and sought amendments, with a further submission supporting this.
678. One submission point sought supported retaining Rule **SVR-R4** as notified, one sought amendment and five sought to delete the rule, with one further submission in support.
679. One submission point sought supported retaining Rule **SVR-R5** as notified, six sought amendments, with a further submission supporting this.
680. One submission point supported retaining Rule **SVZ-R6** as notified and one sought amendment, with a further submission in support.
681. Two submission points supported retaining the discretionary activity rules generally.
682. Two submission points supported retaining Rule **SVR-R7** as notified, three sought amendments, with a further submission supported this.
683. One submission point supported retaining Rule **SVR-R8** as notified and one sought amendment, with a further submission point in support of this.
684. One submission points supported retaining Rule **SVR-R9** ne submission point sought the as notified, four sought that the rule be deleted and one sought amendment, with a further submission supporting this.

Section 42A Report

SVZ – R1 Commercial, Visitor Accommodation, Residential, Recreational and Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities

685. Ms Easton acknowledged Te Mana Ora's (S190.1255) support for this rule as notified.
686. William McLaughlin (S567.719), Chris & Jan Coll (S558.691), Chris J Coll Surveying Limited (S566.691) and Laura Coll McLaughlin (S574.691) sought that the advice note regarding NOISE-R3 requirements be deleted. Ms Easton did not support this and noted Rule NOISE-R3 would be considered as part of the Noise Chapter Recommendation Report. Ms Easton indicated that if the rule was deleted or was no longer relevant, the advice note could be removed as a consequential amendment.
687. William McLaughlin (S567.720), Chris & Jan Coll (S558.693), Chris J Coll Surveying Limited (S566.693) Laura Coll McLaughlin (S574.693) and Neil Mouat (S535.077) sought to delete clause (2) relating to the screening of storage and waste management space. Ms Easton did not support this because she considered this was not consistent with the objectives for the zone, particularly in terms of visual amenity, landscape, and character. However, she supported these submissions in part, as she agreed that non-compliance with this standard should default to a restricted discretionary activity and not a discretionary activity.
688. Davis Ogilvie & Partners Ltd (S465.037) sought clarification on clause (3) in relation to outdoor living spaces and the minimum dimension or 'shape factor' to ensure that living spaces were practical and contribute to residential amenity. Ms Easton did not support this without a suggestion from the submitter on what an appropriate requirement would be and invited the submitter to provide this at the hearing.

689. William McLaughlin (S567.721), Chris and Jan Coll (S558.694), Chris J Coll Surveying Limited (S566.694), Laura Coll McLaughlin (S574.694), and Neil Mouat (S535.077) sought to delete clause (4). Jane Whyte and Jeff Page (S467.014) also sought this but also sought it be replaced with a provision allowing residential buildings of no more than 200m² in gross ground floor area per site, with any new building not exceeding 100 m² gross ground floor area per site. Ms Easton did not support these submissions because it explicitly related to Punakaiki and was 'rolled over' from the operative Buller District Plan. She noted clause (4) covered four important issues and recommended these standards were retained without good reasons for opposing them.
690. In relation to Jane Whyte and Jeff Page, Ms Easton noted that they were seeking for the SVZ to become a residential area, which she considered was not the purpose of the zone. She noted that there was only a very small area of land zoned SVZ in Punakaiki and the advice she had received from Council staff was that the current provisions (that had been rolled over into this Plan) had been working well in terms of providing for commercial development within a very visually sensitive environment.
691. Laura Coll McLaughlin (S574.695), Chris J Coll Surveying Limited (S566.695), Chris & Jan Coll (S558.695) and William McLaughlin (S567.722) sought amendments to clause (8) to accommodate projection beyond the recession plane building envelope if this was due to satisfying the requirements of the natural hazard-related provisions. Ms Easton did not support these submissions. She noted that the freeboard requirements for commercial development were significantly less stringent than those for residential development and that, due to the natural hazard overlays, resource consent would often already be required for these buildings, even if they did not infringe the recession plane requirements.
692. William McLaughlin (S567.723), Chris & Jan Coll (S558.696) and Chris J Coll Surveying Limited (S566.696) sought that non-compliance escalates to a controlled activity rather than restricted discretionary or discretionary. Ms Easton did not support these submissions without justification for such a change. She considered that within very sensitive environments with significant natural, built and amenity values, the change sought could allow for inappropriate activities to be required to be approved, with limited ability to require consent conditions to address adverse effects.
693. Ms Easton did not support Neil Mouat's (S535.058) request to amend the rule to be more enabling of development. She noted that the areas where this zone applied were located immediately adjacent, or in the case of Punakaiki, surrounded by, a National Park, and areas of Outstanding Coastal Natural Character and Outstanding Natural Landscapes. She considered the rules aimed to strike a balance between providing opportunities for development to support the tourism industry while retaining the natural and aesthetic values that attract tourists. Ms Easton also noted that all three townships had been the subject of a range of master planning exercises by the relevant district councils and that this work recognised that improvement was needed in relation to visual amenity. She considered the proposed rules struck an appropriate balance in aiming to achieve this, while providing for further development of these areas.
694. Ms Easton recommended the following consequential changes to SVR-R1:

SVZ - R1 Commercial, Visitor Accommodation, Residential, Recreational and Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

Activity Status Permitted Where:

1...

...8. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing...~~

Advice Note:

1. Much of Franz Josef/Waiiau is within the Flood Susceptibility Hazard Overlay and/or the Earthquake Hazard Overlay. Refer to the Natural Hazards Chapter for relevant rules that also apply.
2. Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council
3. ...

SVZ – R2 Minor Structures

695. Ms Easton acknowledged the support of Te Mana Ora (S190.1256), William McLaughlin (S567.724), Chris & Jan Coll (S558.697), Chris J Coll Surveying Limited (S566.697) and Laura Coll McLaughlin (S574.697) for this rule.
696. Neil Mouat (S535.059) sought that this rule be more enabling of development and provide for the efficient utilisation of land. Ms Easton did not support this submission without specific amendments to consider and recommended that no changes be made to this rule.

SVZ – R3 Fences, Walls and Retaining Walls

697. Ms Easton acknowledged the support of Te Mana Ora (S190.1257), William McLaughlin (S567.725), Chris & Jan Coll (S558.698), Chris J Coll Surveying Limited (S566.698) and Laura Coll McLaughlin (S574.698) for this rule.
698. Neil Mouat (S535.060) sought that this rule be more enabling of development and provide for the efficient utilisation of land. Ms Easton did not support this submission without specific amendments to consider and recommended that no changes be made to this rule.

SVZ – R4 Relocated Buildings

699. Ms Easton acknowledged the support of Te Mana Ora (S190.1258) for this rule.
700. The New Zealand Heavy Haulage Association Inc. (S616.014) sought amendments to the rule that were consistent with other submissions it has made on other zones. Ms Easton did not support this submission. She considered that it would result in new pre-built residential housing being moved onto a site, potentially requiring a resource consent. She did not support the other changes proposed and did not consider that they would improve the clarity or enforceability of the rule.
701. William McLaughlin (S567.031, S567.726), Chris & Jan Coll (S558.241, S558.699), Chris J Coll Surveying Limited (S566.241, S566.699), Laura Coll McLaughlin (S574.241, S574.699) and Neil Mouat (S535.061) sought to delete this rule. Ms Easton did not support these submissions. She considered the rules struck an appropriate balance between providing

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

opportunity for development to support the tourism industry, while retaining the natural and aesthetic values that attract tourists.

702. Ms Easton did not recommend any changes to this rule.

SVZ – R5 Commercial, Visitor Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not Meeting Permitted Activity Standards

703. Ms Easton acknowledged the support of Te Mana Ora (\$190.1259) for this rule.

704. Poutini Ngāi Tahu (\$620.310) sought an amendment to refer to “*Poutini Ngāi Tahu cultural values*”. Ms Easton supported this submission and noted this was consistent with other recommendations she has made.

705. William McLaughlin (\$567.727), Chris & Jan Coll (\$558.700), Chris J Coll Surveying Limited (\$566.700) and Laura Coll McLaughlin (\$574.700) sought that this rule be amended so that existing non-compliance with performance standards in Rule SVZ–R1 would not preclude the application of this rule. Ms Easton did not support these submissions. She noted that lawfully established activities had existing use rights, but that outside of a resource consent process, she considered that existing non-compliance should not be specifically accommodated within the rules.

706. Neil Mouat (\$535.062) sought that the rule be more enabling of development and provide for the efficient utilisation of land. Ms Easton did not support this submission without specific amendments to consider and recommended that no changes be made to this rule.

SVZ – R6 Commercial, Visitor Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not meeting Permitted or Restricted Discretionary Activity Rules

707. Ms Easton acknowledged the support of Te Mana Ora (\$190.1260) for this rule.

708. Neil Mouat (\$535.063) sought that the rule be more enabling of development and provide for the efficient utilisation of land. Ms Easton did not support this submission without specific amendments to consider and recommended that no changes be made to this rule.

Discretionary Activities

709. William McLaughlin (\$567.732), Chris & Jan Coll (\$558.252), Chris J Coll Surveying Limited (\$566.252) and Laura Coll McLaughlin (\$574.252) sought that the references/rules concerning relocated buildings be deleted. Ms Easton did not support these submissions. She considered that the rules struck an appropriate balance between providing opportunities for development to support the tourism industry, while retaining the natural and aesthetic values that attract tourists.

SVZ – R7 Minor Structures, Relocated Buildings, Fences, Walls and Retaining Walls not meeting Permitted Activity Rules

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

710. Ms Easton acknowledged Te Mana Ora (S190.1261) and Laura Coll McLaughlin (S574.00743) supported this rule as notified.
711. William McLaughlin (S567.732), Chris & Jan Coll (S558.252), Chris J Coll Surveying Limited (S566.252) and Laura Coll McLaughlin (S574.252) sought to delete the references/rules concerning relocated buildings. As noted with other similar submission points from these submitters. Ms Easton did not support these submissions. She considered the rules struck an appropriate balance between providing the opportunity for development to support the tourism industry, while retaining the natural and aesthetic values that attract tourists.
712. Neil Mouat (S535.064) sought that the rule be more enabling of development and provide for the efficient utilisation of land. Ms Easton did not support this submission without specific amendments to consider and recommended that no changes be made to this rule.

SVZ – R8 Industrial Activities

713. Ms Easton acknowledged Te Mana Ora (S190.1262) supported this rule as notified.
714. Neil Mouat (S535.064) sought that the rule be more enabling of development and provide for the efficient utilisation of land. Ms Easton did not support this submission without specific amendments to consider and recommended that no changes be made to this rule.

SVZ – R9 Any Activity Not Provided for in Another Rule in the Zone

715. Ms Easton acknowledged Te Mana Ora (S190.1263) supported this rule as notified.
716. William McLaughlin (S567.729), Chris & Jan Coll (S558.702), Chris J Coll Surveying Limited (S566.702) and Laura Coll McLaughlin (S574.702) sought to delete this rule. Neil Mouat (S535.066) sought that this rule be more enabling of development and provide for the efficient utilisation of land. Ms Easton did not support these submissions and recommended that no changes be made to this rule. She noted this type of “catch-all” rule was more commonly a discretionary activity in other parts of New Zealand and invited the submitters to provide information at the hearing about their view on whether that was an alternative relief they would support.

Hearing and Submitter Evidence/Statements

717. Mr Neil Mouat spoke at the hearing in support of his submissions requesting the SVZ be amended to be more enabling of development at Punakaiki to avoid it becoming a ‘one horse town’. He highlighted the very limited land available to support tourism development in the area, the high cost of building and difficulties with visitor accommodation occupancy rates because of the adverse effects of Airbnb rentals.
718. The Poutini Ngāi Tahu hearing statement recorded support for the recommended changes to SVZ-R5.
719. Mr Bhana-Thomson, for the New Zealand Heavy Haulage Association, reiterated the submissions in relation to relocated buildings.

Reporting Officer Reply Evidence

720. Ms Easton made no specific comments in reply in relation to the SVZ rules.

Hearings Panel's Evaluation

674. In relation to Mr Mouat's request for the rules to be more enabling of development, we agree with Ms Easton that the rules strike a balance between providing opportunities for development to support the tourism industry and retaining the natural and aesthetic values that attract tourists, including the values associated with the National Park and areas of Outstanding Coastal Natural Character and Outstanding Natural Landscapes. We accept that the master planning exercises undertaken by the district councils recognised that improvement is needed in relation to visual amenity and consider the rules will drive this needed improvement.
675. In relation to **SVZ-R1**, the Panel accepts Ms Easton's recommended amendments for the reasons outlined in relation to her analysis regarding appropriate standards, including consequential amendments relating to recession planes and a new advice note referring to the Deemed Permitted Activity Boundaries process, where boundary setbacks are infringed. We also agree with Ms Easton's recommendation to include a new advice note clarifying that the indigenous vegetation clearance in the rule in relation to the Punakaiki SVZ are in addition to the requirements in the ECO Chapter to address Forest and Bird's submissions in relation to SPZ generally.
676. The Panel agrees with Ms Easton's recommendation that the advice note regarding NOISE-R3 requirements is not deleted. We have had regard to the Noise Chapter Recommendation Report and consider no consequential amendment is required.
677. The Panel accepts Ms Easton's recommendation that non-compliance with clauses (2) and (8) should default to a restricted discretionary activity and rather than a discretionary activity for the reasons outlined. We note the rule as notified incorrectly referred to standard "9" instead of standard "8" and we recommend this is corrected to "7". We agree with Ms Easton that within very sensitive environments with significant natural, built and amenity values, it is not appropriate to provide for controlled activities where consent must be granted.
678. The Panel accepts Ms Easton's recommendations to retain rules **SVZ-R2, SVZ-R3, SVZ-R6, SVZ-R7, SVZ-R8** and **SVZ-R9** as notified for the reasons provided in the s42A Report.
679. In relation to **SVZ-R4**, the Panel agrees with Mr Easton that the rule should not be deleted for the reasons outlined. The Panel accepts in part the submission of The New Zealand Heavy Haulage (S616.014) and recommends amendments that are consistent with recommendations made in relation to the equivalent rules in the Residential Zones (General Residential Zone, Large Lot Residential Zone and Medium Residential Zone) and other SPZ (MPZ-R7 and STADZ-R4); and reflect the addition of new Appendix Eleven to guide pre-inspection requirements recommended in the Residential Zone Chapter Recommendation Report.
680. In relation to **SVZ-R5**, the Panel accept Ms Easton's recommended amendment to address the submission point of Poutini Ngāi Tahu (S620.310). We agree existing non-compliances should not be accommodated explicitly within the rules and acknowledge lawfully established activities have existing use rights.

681. For completeness, the Panel’s recommended amendments to rules **SVZ-R1, SVZ-R5** and **SVZ-R6**, as alternative relief to the zone changes sought by the Scenic Hotel Group (S483.002) are shown in the recommendation box below. Our consideration of these submissions is addressed in a separate section of this Report below. We consider this is also an appropriate consequential amendment to accepting the submissions that sought to add similar wording to Policy SVZ-P4 (S567.715, S558.687, S566.687, S574.687 and S535.075)

Hearing Panel’s Recommendation

682. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below are accepted or accepted in part, and recommend the following changes to the **Scenic Visitor Zone Rules**:

Scenic Visitor Zone Rules
Permitted Activities
SVZ - R1 Commercial, Visitor and Worker²⁴⁸ Accommodation, Residential, Recreational and Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any building or structure is setback a minimum of 3m from any SETZ - Settlement Zone boundary; 2. All external storage and waste management space is screened by landscaping so it is not visible from any adjoining SETZ - Settlement Zone boundary or any adjoining public space; 3. Any residential activity must provide a minimum of 50m² outdoor living space for each residential unit which is separate from any parking and manoeuvring areas; 4. In the Punakaiki SVZ - Scenic Visitor Zone: <ol style="list-style-type: none"> a. A maximum of 50m² indigenous vegetation clearance occurs as part of the activity; b. Roof colour has a reflectance value of 30% or recessive colours in grey/greens; c. Maximum site coverage is 60%; d. Residential activities are ancillary to a Commercial or Community activity; 5. Maximum building height is: <ol style="list-style-type: none"> a. 7m in the Punakaiki SVZ - Scenic Visitor Zone; and b. 10m in the Franz Josef/Waiiau and Fox Glacier/Weheka SVZ - Scenic Visitor Zone except that hose drying towers associated with Emergency Service Facilities are exempt from this standard; 6. In the Franz Josef/Waiiau and Fox Glacier/Weheka SVZ - Scenic Visitor Zone: <ol style="list-style-type: none"> a. Building roof pitch is between 8-35 degrees; b. Roof colour has a reflectance value of 30% or recessive colours in grey/greens; c. Buildings are clad in wood, plaster stone and/or profile metal sidings; d. Accessory buildings are in the style, appearance and materials of the principal building; e. Residential unit density is a minimum of 1 unit per 200m² net site area; f. Maximum building coverage is: <ol style="list-style-type: none"> i. 80%; except

²⁴⁸ Alternative relief Scenic Hotel Group S483.002 and consequential amendment William McLaughlin S567.715, Chris & Jan Coll S558.687, Chris J Coll Surveying Limited S566.687, Laura Coll McLaughlin S574.687 and Neil Mouat S535.075

- ii. 100% for sites in the Franz Josef/Waiau Main Street Frontage area;
 - g. Except in the Franz Josef/Waiau Main Street Frontage area, a minimum 10% of the indigenous vegetation is retained on any site;
7. All buildings in the Franz Josef/Waiau Main Street Frontage area:
- a. Are located on the front boundary of the site with no setback from the street boundary except that a recess of up to 0.5m within the facade of the building is permitted;
 - b. Have a cantilevered continuous verandah to cover the full width of the footpath;
 - c. Have 50% of the ground floor facade devoted to display windows or 75% of its height for at least 50% of the ground floor building frontage; and
 - d. Have one public entrance with glazing comprising at least 40% of the doors; **and**²⁴⁹
8. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~²⁵⁰ This standard does not apply to:
- a. Road boundaries;
 - b. Buildings on adjoining sites that have a common wall along the boundary;
 - c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
 - d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
 - e. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Note:

1. Much of Franz Josef/Waiau is within the Flood Susceptibility Hazard Overlay and/or the Earthquake Hazard Overlay. Refer to the Natural Hazards Chapter for relevant rules that also apply.
2. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.**²⁵¹
3. Where a residential building, visitor accommodation or a noise sensitive activity is located within:
 - a. 80m of a State Highway with a speed limit of 70kph or greater; or
 - b. 40m of a State Highway with a speed limit of less than 70kph; or
 - c. The 50 dBA Noise Contour boundary of Franz Josef Heliport.

Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.

4. **The provisions of this rule in relation to indigenous vegetation clearance in the Punakaiki Scenic Visitor Zone are in addition to the requirements in the Ecosystems and Indigenous Biodiversity Chapter.**²⁵²

Activity status where compliance not achieved:

²⁴⁹ RMA First Schedule Clause 16(2)

²⁵⁰ Consequential amendment Buller District Council S538.621

²⁵¹ Consequential amendment Buller District Council S538.621

²⁵² Royal Forest and Bird Protection Society S560.391, S560.0541

Restricted Discretionary where standard ~~2~~²⁵³ 3, ~~or 4~~ **or 8**²⁵⁴ is not complied with
Discretionary where standards 1 –2 and 5 - ~~9~~²⁵⁵ are not complied with

SVZ - R2 Minor Structures

Activity Status Permitted

Where:

1. Masts, poles, aerials and pou whenua must not exceed 7m in height;
2. Any antenna dish must be less than 1m in diameter;
3. Any ornamental structure must not exceed 2.4m in height; and
4. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Discretionary

SVZ - R3 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall.

Activity status where compliance not achieved: Discretionary

SVZ - R4 Relocated Buildings

Activity Status Permitted

Where:

1. All standards for Rule SVZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed, ~~and built~~ **and to be**²⁵⁶ used as a dwelling;
3. A building pre-inspection report **completed in accordance with Appendix Eleven**²⁵⁷ shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior reinstatement works including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12 month period **of the building being delivered to the site; and**²⁵⁸
4. The building shall be located on permanent foundations approved by building consent no later than **two**²⁵⁹ months of the building being moved to the site; ~~and~~
5. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include~~

²⁵³ William McLaughlin S567.720, Chris & Jan Coll S558.693, Chris J Coll Surveying Limited S566.693 and Laura Coll McLaughlin S574.693

²⁵⁴ Laura Coll McLaughlin S574.695, Chris J Coll Surveying Limited S566.695, Chris & Jan Coll S558.695 and William McLaughlin S567.722

²⁵⁵ RMA First Schedule Clause 16(2)

²⁵⁶ New Zealand Heavy Haulage Association Inc. S616.014

²⁵⁷ New Zealand Heavy Haulage Association Inc. S616.014

²⁵⁸ William McLaughlin (S567.031, S567.726), Chris & Jan Coll (S558.241, S558.699), Chris J Coll Surveying Limited (S566.241 S566.699), Laura Coll McLaughlin (S574.241, S574.693), Neil Mouat (S535.061)

²⁵⁹ RMA First Schedule Clause 16(2)

~~connections to all infrastructure services and closing in and ventilation of the foundations.~~²⁶⁰

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

SVZ - R5 Commercial, Visitor and Worker²⁶¹ Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not Meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

1. This is in the Punakaiki SVZ - Scenic Visitor Zone; and
2. Indigenous vegetation clearance is proposed as part of the activity; and
3. All other performance standards for Rule SVZ - R1 are complied with.

Discretion is restricted to:

- a. Design, height, bulk and location of buildings and structures;
- b. Carparking, vehicle and pedestrian access;
- c. Extent of indigenous vegetation clearance;
- d. Effects on Poutini Ngāi Tahu Cultural values;²⁶²
- e. Effects on natural character and landscape values; and
- f. Effects on biodiversity and wildlife values.

Activity status where compliance not achieved: Discretionary

Advice Note: The provisions in this rule in relation to indigenous vegetation clearance in the Punakaiki Scenic Visitor Zone are in addition to the requirements in the Ecosystems and Indigenous Biodiversity Chapter.²⁶³

Discretionary Activities

SVZ - R6 Commercial, Visitor and Worker²⁶⁴ Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not meeting Permitted or Restricted Discretionary Activity Rules.

Activity Status Discretionary

Activity status where compliance not achieved: N/A

SVZ - R7 Minor Structures, Relocated Buildings, Fences, Walls and Retaining Walls not meeting Permitted Activity Rules

Activity Status Discretionary

Activity status where compliance not achieved: N/A

Non-complying Activities

²⁶⁰ William McLaughlin (S567.031, S567.726), Chris & Jan Coll (S558.241, S558.699), Chris J Coll Surveying Limited (S566.241 S566.699), Laura Coll McLaughlin (S574.241, S574.693), Neil Mouat (S535.061)

²⁶¹ Alternative relief Scenic Hotel Group S483.002 and consequential amendment William McLaughlin S567.715, Chris & Jan Coll S558.687, Chris J Coll Surveying Limited S566.687, Laura Coll McLaughlin S574.687 and Neil Mouat S535.075

²⁶² Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.310

²⁶³ Royal Forest and Bird Protection Society Incorporated S560.391, S560.0541

²⁶⁴ Alternative relief Scenic Hotel Group S483.002 and consequential amendment William McLaughlin S567.715, Chris & Jan Coll S558.687, Chris J Coll Surveying Limited S566.687, Laura Coll McLaughlin S574.687 and Neil Mouat S535.075

SVZ - R8 Industrial Activities

Activity Status Non-complying

Activity status where compliance not achieved: N/A

SVZ - R9 Any Activity Not Provided for in Another Rule in the Zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

2.8. Submissions Across All Special Purpose Zones or Seeking New Zones (excluding Skyline Enterprises Limited)

Submissions and Further Submissions

683. Four submission points and five further submission points (excluding Skyline Enterprises Limited), relating to all Special Purpose Zones or seeking new Zones were summarised in a Table on pages 141-142 of the s42A Report. All submission points sought amendments, with two further submission point supporting and one opposing the amendments.

Section 42A Report

684. New Zealand Energy Limited (S463.002) (support in part by Poutini Ngāi Tahu FS41.244 and opposed by Brian Anderson FS237.002) and Inchbonnie Hydro Limited (S540.002) supported by Brian Anderson FS237.003) sought a new special purpose zone for existing hydroelectric infrastructure be included in the Plan modelled on the Queenstown Lakes or Otago District Plan special zones.
685. Ms Easton advised that these submitters have existing operations on public conservation land, as do Manawa Energy. She noted that the subject land was currently zoned either Open Space Zone, or Natural Open Space Zone.
686. Ms Easton noted that the Zone provisions did not apply to energy activities, which were subject to the Energy Chapter provisions. However, where these activities occur within the Open Space and Recreation Zones, assessment of the policies of that chapter would apply to any discretionary or non-complying activity application under the Energy Chapter rules. In reviewing those rules, Ms Easton noted that only new large-scale renewable electricity generation would trigger a discretionary activity; and the maintenance, repair, upgrading and expansion of existing hydroelectricity generation would likely to be either a permitted or restricted discretionary activity. However, she noted the district-wide rules for landscape or vegetation clearance could also be triggered. On this basis, she considered a special purpose zone was unnecessary for existing hydroelectric infrastructure. She noted that the Queenstown District Plan had been prepared prior to the National Planning Standards and the criteria that must be met for a Special Purpose Zone.

Hearing and Submitter Evidence/Statements

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

Reporting Officer Reply Evidence

688. No specific points were made in the reply in relation to these submission points.

Hearing Panel's Evaluation and Recommendation

689. For the reasons advanced by Ms Easton, the Panel agrees with her recommendation to not include a new Special Purpose Zone for hydroelectricity infrastructure in the Plan, in particular because it is not impractical to manage the activity in other zones and through a combination of spatial layers (in accordance with Section 8: Zone Framework, Mandatory Direction 3 of the National Planning Standards).

2.9. Franz Josef Area - Skyline Enterprises (Submitter 250)

Submission Points – Outstanding Natural Landscape

690. Ms Easton summarised the four submission points Skyline Enterprises Limited (**SEL**) made on the Outstanding Natural Landscape provisions in a table on page 6 of the s42A Report for the Franz Josef Area.
691. SEL (S250.004) sought that the proposed aerial cableway at Franz Josef should be identified within the provisions in the Natural Features and Landscapes Chapter to enable consideration of such a development. Ms Easton did not support this submission and noted that the proposal was being considered as part of the review of the Westland/Tai Poutini National Park Management Plan.
692. SEL (S250.004) raised concerns that construction of an aerial cableway in an ONFL would not be included in the definition for 'Conservation Activity' and would not be covered by the permitted activity rules. Ms Easton did not support this submission. She noted that a cableway had not yet been designed, and the Westland/Tai Poutini National Park Management Plan had not yet been finalised. She considered that because there was no clarity about whether such a proposal would be supported within the National Park, a discretionary activity status would be appropriate to fully consider such as proposal.
693. SEL (S250.008) opposed the boundaries of ONL 14. Ms Easton advised that ONL 14 covered the Franz Josef Glacier Valley (in both the notified Plan maps and the updated Brown Limited maps) to recognise and protect its outstanding natural landscape values. She did not support this submission point.
694. SEL (S250.010) opposed the inclusion of ONF 16 – the Franz Josef Glacier. Ms Easton did not support this submission point. She noted Franz Josef Glacier was recognised as being an internationally significant geological feature and she considered it was appropriately included within Schedule Six.

Submission Points – Sites and Areas of Significance to Māori (SASM)

695. Ms Easton summarised the three submission points SEL made on the SASM Chapter in a table on page 7 of the s42A Report for the Franz Josef Area.
696. In terms of SEL (S250.003), the Panel notes this has been addressed in the SASM recommendation.

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

697. Ms Easton did not support SEL's (S250.009) request to remove the identified SASM over the Franz Josef Glacier to avoid restrictions on the aerial cableway proposal to the Franz Josef Glacier. She did not consider this was a relevant reason to exclude the Franz Josef Glacier given it was a significant site to Ngāti Mahaki and wider Poutini Ngāi Tahu.

Submission Points – Open Space Zones

698. Ms Easton summarised SEL's submission point on the Open Space Zone (S250.002) in a table on page 8 of the s42A Report for the Franz Josef Area. She did not support this submission point because the proposal was under consideration as part of the draft Westland/Tai Poutini National Park Management Plan.

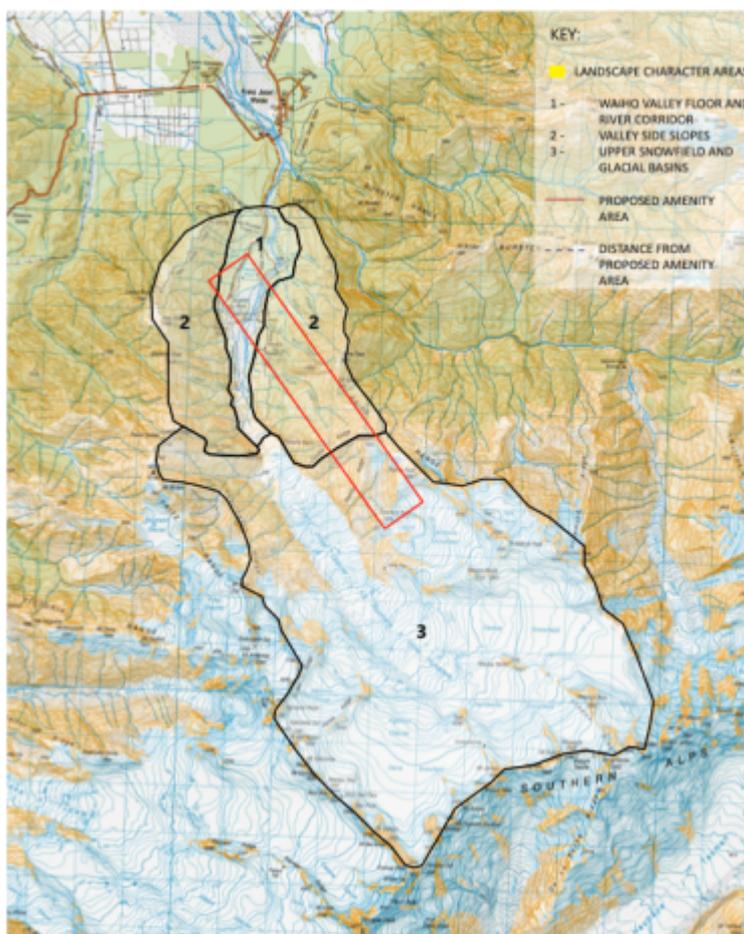
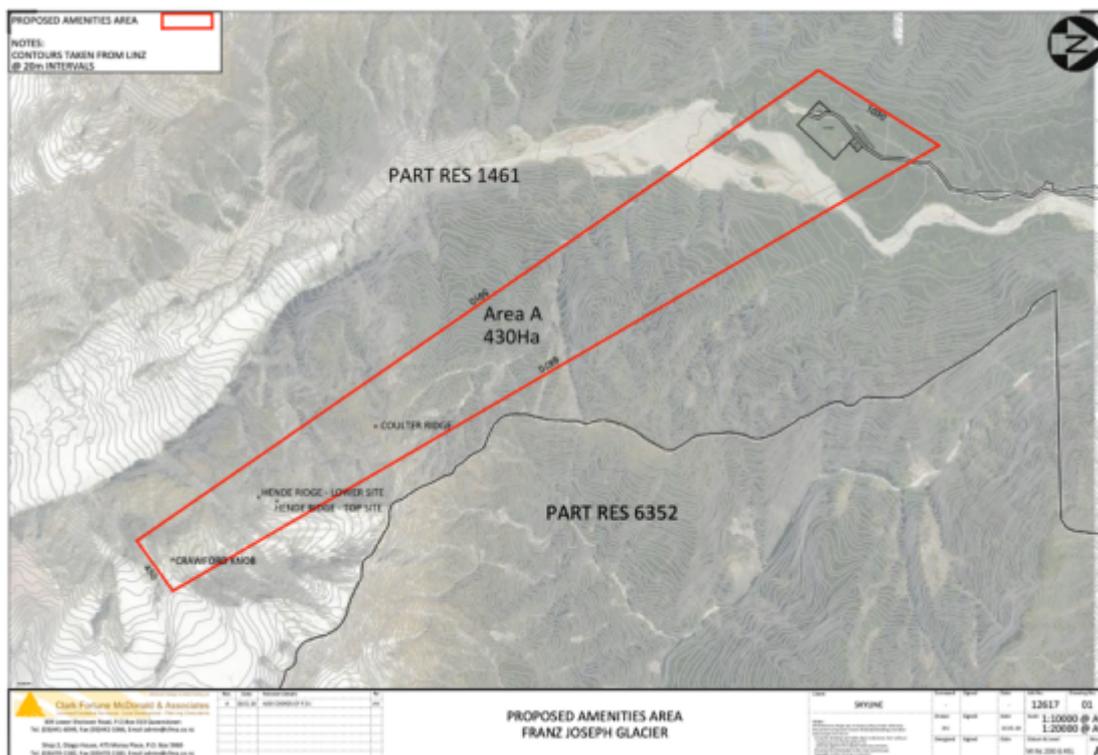
Submission Points – General Rural Zones

699. Ms Easton summarised SEL's submission point (S250.001) and one further submission point (FS34.022) made on the General Rural Zone in a table on page 9 of the s42A Report for the Franz Josef Area.
700. SEL sought to include an identified 'Amenities Area' on the planning maps and the provisions in the General Rural Zone Chapter to enable development of the proposal for an aerial cableway at Franz Josef Glacier. Ms Easton did not support this submission. She considered the most appropriate zone for this proposed area in the Special Purpose Zones S42A Report and concluded that this was likely to be the Open Space Zone.

Submission Points – Special Purpose Zones

701. Ms Easton summarised SEL's two submission points and one further submission on the Special Purpose Zone in a table on page 9 of the s42A Report for the Franz Josef Area.
702. SEL (S250.005, S250.006) sought to include a new special purpose zone for the proposed 'Amenities Area' to support the proposed aerial cableway in the Plan. Ms Easton acknowledged the submitter had provided significant detail about the proposal in their submission. The proposed 'Amenities Area' covers a 430-ha area, from the valley floor up 5.7km to Crawford Knob, as shown in the following maps taken from the submission:

Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
 Special Purpose Zones - Ngā Takiwa mō Kaupapa kē



703. SEL sought that the new SPZ 'Amenities Area' provide for the cableway, and ancillary access and parking within the zone as a discretionary activity, supported by the new

objectives and policies outlined in the submission (Franz Josef Amenities Area Zone **FJAAZ**).

704. Ms Easton advised that the land SEL sought to zone for the amenities area was within Westland National Park and was zoned as the Natural Open Space Zone. She noted the proposed activity would likely be a non-complying activity in this zone and was located within an ONL, ONF and SASM identified in the Plan. She also considered it likely that the activity would require discretionary activity resource consents for the clearance of indigenous vegetation to establish car parking and maintenance access to the cableway structures. She considered it would be difficult to obtain the necessary resource consent for the non-complying activity in the Natural Open Space Zone.
705. Ms Easton considered, that if the proposal is to be accommodated within the TTPP, she was not convinced that creating another Special Purpose Zone was necessary. She suggested an alternative would be to include the area within the Scenic Visitor Zone, with some additional policies and a rule to cover the development of the facility. However, she considered the alternative of zoning the subject area Open Space Zone was a better option.
706. Ms Easton noted that she was unclear on the level of support for the proposal by the landowner or the wider community. She highlighted there was one further submission opposing the SEL submission but noted that many stakeholders may be unaware of the submitter's proposal for a Special Purpose Zone. She noted that creating a Special Purpose Zone would effectively ensure the proposal could go ahead, without a public process around its appropriateness having occurred.
707. For the reasons outlined, Ms Easton did not support the submission.

Hearing and Submitter Evidence/Statements

708. Mr Sean Dent provided planning evidence on behalf of SEL. In summary, Mr Dent concluded:
- (a) The proposed rezoning to incorporate a new Special Purposes Zone (FJAAZ) represented the most efficient and effective zoning.
 - (b) The proposed FJAAZ would result in an efficient and effective consenting pathway for an aerial cableway which would be a significant, and iconic sustainable tourism development for Franz Josef and the wider region.
 - (c) Such a development could be managed so it would integrate appropriately with the natural environment of the Franz Josef Valley.
 - (d) Applying the FJAAZ to the Franz Josef Valley was appropriate in the context of the Resource Management Act 1991.
709. Ms Nikki Smetham provided landscape evidence on behalf of SEL. Ms Smetham's Executive Summary stated:

Overall, there are very high physical, perceptual and associative values pertaining to the receiving environment. My LVA concluded that, overall, the perceived effect on landscape values, including natural character and visual amenity will be low.

I have reviewed and provided input into the FJAAZ provisions prepared in Mr Sean Dent's evidence. Overall, I consider these would enable appropriate consideration of effects on landscape values arising from the future development enabled by the FJAAZ.

710. Dr Andrew Wells provided ecological evidence on behalf of SEL. The conclusion of Dr Wells evidence was as follows:

The proposed FJAAZ is an intact ecosystem with very high ecological values. These values are associated with individual flora and fauna species, as well as landscape-level aspects including connectivity and intact sequences. Further ecological surveys are required to better understand ecological values related to invertebrates, lizards, and bats within the FJAAZ.

Subject to the further ecological surveys, it is considered that adverse ecological effects associated with the construction and ongoing operation of the proposed AC can be appropriately managed through the effects management hierarchy, such that ecological effects of the proposal will be reduced to levels of minor or less than minor.

The proposed FJAAZ and associated concept plans and provisions also provide adequate scope for additional significant design input at the future consenting stage, which would include incorporation of ecological matters in the finalised design including any additional matters emerging through future surveys. Therefore, ecological considerations should not prevent the rezoning of this site.

711. Mr Fraser Colegrave provided economic evidence on behalf of SEL. In summary, Mr Colegrave advised:

- (a) Tourism is very important to the local, district and regional economies and is captured by TTPP strategic objectives and policies.
- (b) Skyline Enterprise's proposal was well aligned with this strategic direction because it would enable a new iconic attraction with widespread appeal that not only generates significant economic impacts itself, but would also support other tourism operators by helping to sustainably grow visitor numbers.
- (c) The proposal would have significant one-off impacts during its construction and will sustain ongoing economic impacts via future operations.
- (d) The proposal would likely help to draw a different mix of visitors to the region.
- (e) The proposal would improve (viewing) access to the glaciers and reduce reliance on helicopters, without displacing existing helicopter access because the two options complement one another and the proposal would provide access in poor weather conditions.
- (f) The proposal's overall economic benefits would likely be strong and enduring.

712. Mr Paul Faulkner provided geotechnical evidence on behalf of SEL. He considered there were no impediments (in principle) to constructing and designing an aerial cableway that could ensure that risks from natural hazards were less than minor or managed appropriately. Notwithstanding that, he confirmed further work would be required to support the final structure locations and design.

713. Mr Rob Greenway provided recreation and tourism evidence on behalf of SEL. He considered the aerial cableway proposal was worthy of consideration through a consenting process, supported by a suite of plan provisions which recognise its recreational and other potential benefits.

714. Mr Geoff McDonald, the Chief Executive Officer of SEL, provided corporate evidence for SEL.

Reporting Officer Interim Reply Franz Josef Hearing

715. Ms Easton provided an interim Right of Reply (dated 14 October 2024) in response to Panel questions relating to the scope of the SEL submission and whether an amendment to the definition of “*Recreation Activities*” was within the scope of the original submission. She advised that she considered that the submission did provide scope and recommended:

In response to the Skyline Enterprises Limited submission the definition of ‘Recreation Activity’ is amended as follows:

means the use of land, waterbodies and/or buildings and structures for the active or passive enjoyment of organised sports, recreation or leisure, whether competitive or non-competitive, and whether a charge is made for admission or not, including sporting and recreational events, but excludes gambling machines and motor sport facilities. Recreation activities include commercial recreation activities such as commercial guiding, training, instructing, transportation or provision of recreation facilities to clients for recreational purposes.

Skyline Enterprises Ltd’s response to Minute 49 – Definition of Recreation Activity

716. Counsel for SEL provided a response to Minute 49 (dated 29 October 2024) addressing the following:

- (a) The approach to rezoning under RMA s32 and relevance of ‘consenting efficiency’ across the TTPP;
- (b) The need for an ongoing zone after consenting;
- (c) Issues regarding precedent from the special purpose zone relief sought;
- (d) Analysis of the planning standards/direction for special purpose zones, including the ‘impracticality’ criterion;
- (e) Review of the proposed FJAAZ provisions and drafting amendments discussed at the hearing; and
- (f) Alternative options to FJAAZ and further s32AA analysis, including on:
 - (i) Revised definition of Recreation Activity and associated objective and policy amendments in NOSZ; and
 - (ii) Precinct overlay in NOSZ.

717. The conclusions from the response were as follows:

The FJAAZ amended relief, or the alternatives presented in Mr Dent's further s32AA analysis (precinct followed by NOSZ amendments for a recreation activity) provide comparatively more appropriate zoning outcomes for a regionally significant tourism opportunity than the notified TTPP provisions.

Any future aerial cable way for the Franz Josef Glacier will need to be extremely closely examined, even under a discretionary consenting pathway. Far from approving such an outcome, the SEL relief if approved, would only allow for the consenting door to remain open and feasibly explored from an investment perspective.

718. Mr Dent provided planning evidence (dated 30 October 2024) in response to matters raised at the hearing, including in relation to the definition of Recreation Activity, and the further proposed changes to the wording of the definition from that recommended by Ms Easton. He also provided an analysis of the regional plans, the meaning of "tolerable risk" in relation to natural hazards, the option of a precinct, and amendments to the Open Space Zone Chapter.

719. Mr Dent also a further section 32AA analysis of the following options to achieve the intent of the SEL submission relief sought:

- (i) The proposed FJAAZ with amendments proposed following the hearing.
- (ii) A potential precinct for an aerial cableway.
- (iii) A change to the definition of Recreation Activity and retention of the Natural Open Space Zone with amended provisions.

720. In summary Mr Dent advised:

Having undertaken the further analysis outlined above and contained in Appendices [A] – [C], I stand by the conclusion in my primary evidence that overall, the proposal for a new Special Purpose Zone (FJAAZ) is considered to represent the most efficient and effective zoning when compared to the notified TTPP provisions.

The proposed FJAAZ will spatially and geographically recognise an area where an Aerial Cableway can be developed with no more than minor effects on the environment and provide a potential consenting pathway for an iconic, sustainable tourism development that will have a profound positive effect on Franz Josef's strategic importance to the tourism industry.

Accordingly, applying the proposed FJAAZ to the Franz Josef Valley is considered appropriate in the context of the Resource Management Act 1991.

721. Mr Dent provided a final set of recommended amendments to the proposed FJAAZ in Appendix A of his further evidence.

Reporting Officer Final Reply Franz Josef Hearing

722. Ms Easton provided a final Right of Reply in relation to the Franz Josef hearing (dated 10 December 2024). In summary, Ms Easton advised the following:

- (a) The activity of developing and operating a gondola (as proposed by SEL) could fall within the definition of Recreation Activity.

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

- (b) Mr Dent's prefers a bespoke approach with specific definitions in relation to the term "aerial cableway".
- (c) A separate zone for this activity was not supported over accommodation within an existing zone because the activity of an aerial cableway would be compatible with inclusion of the site within an Open Space and Recreation Zone.
- (d) In the interest of clarity, she would support a further amendment to the definition of Recreation Activity to specifically include "aerial cableways" within the definition, as well including a new definition for "aerial cableway" in the Plan.
- (e) Her recommended amendment to the definition for Recreation Activity' was as follows:

***Recreation activity** means the use of land, waterbodies and/or buildings and structures for the active or passive enjoyment of organised sports, recreation or leisure, whether competitive or non-competitive, and whether a charge is made for admission or not, including sporting and recreational events, but excludes gambling machines and motor sport facilities. Recreation activities include commercial recreation activities such as commercial guiding, training, instructing, transportation, aerial cableways or provision of recreation facilities to clients for recreational purposes.*

- (f) Her recommended new definition for 'Aerial Cableway' was as follows:

***Aerial cableway** means an aerial lift used to carry passengers and includes aerial trams, cable cars, and gondolas and all associated support structures, terminal buildings, and viewing platforms.*

- (g) The Open Space Zone/Natural Open Space Zone provisions do not include policy direction to address tourism but that review of a range of submissions did not find scope to address this issue.
- (h) If SEL's submission to create precinct or specific controls (discussed further below) was given partial relief, then she considered this would provide scope to add additional policy direction.
- (i) Some policies in the SVZ would support the SEL activity but she considered that the SVZ was inappropriate.
- (j) There was a risk if special provisions (zone, overlay, precinct or specific controls) were put in place and the activity did not eventuate, that this could be used as a permitted baseline for another activity.
- (k) In response to a question from the Panel on whether the evidence presented by the Director General of Conservation at the Open Space Zones hearing provided insight on appropriate zoning, Ms Easton considered the Open Space and Recreation Zone would likely be acceptable, while acknowledging the Director General's preference for a Natural Open Space Zone generally over conservation land.
- (l) She did not support the use of an overlay as an alternative to a Special Purpose Zone and considered a precinct or special controls within an existing zone could be a mechanism used provided the precinct aligns with the wider purposes and values of the zone.

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

- (m) Specific controls and precincts were both generally used in the Plan for both the establishment of new activities and the ongoing management of the effects of existing activities within a spatial area.
- (n) A precinct approach would provide a more robust framework than specific controls in this case and, if adopted, would only require one additional policy.
- (o) She did not support the 'very detailed and prescriptive' set of provisions proposed in the submitter's planning evidence and considered that recommended provisions for landscape, ecosystems and indigenous biodiversity, noise, light and other district-wide matters were unnecessary.
- (p) A precinct approach could be applied within the Natural Open Space Zone, which she considered was the most appropriate zone given the location is within a National Park; and had the advantage, that should the development not proceed, the wider Natural Open Space Zone provisions would still apply.
- (q) Any new policies must focus on the key aspects of the development that were not already provided for within the suite of policies in the Open Space and Recreation Zone Chapter, noting that policies OSRZ-P2 to OSRZ-P5, OSRZ-P8 OSRZ- P18, OSRZ-P19 and OSRZ-P20 (as amended in the recommendations in the Open Space Zone s42A Report and Right of reply) were of particular relevance.
- (r) Ms Easton recommended a new specific policy for the 'Franz Josef Amenities Area Precinct' focussed on the construction and operation of facilities in the area, as follows:

NOSZ – PREC1 - P1 Within the Franz Josef Amenities Area Precinct, provide for the development and operation of an aerial cableway/gondola facility provided that:

- a. The adverse effects on the natural environment and Poutini Ngāi Tahu values are minimised;
 - b. The facilities are designed and constructed to minimise the risk of exacerbating natural hazards;
 - c. Any restrictions on public access to the Franz Josef Valley are of a temporary nature during the construction period;
 - d. Operation of the facility is undertaken in accordance with a management plan which addresses how visitors will be managed to minimise adverse effects on the outstanding values of the Franz Josef Valley, including any adverse effects on the alpine environment.
- (u) In acknowledging that the proposed activity would involve the construction of at least two buildings (bottom and top of the glacier) and multiple towers along the gondola route, she considered a bespoke discretionary activity rule was appropriate and recommended adding a new rule as follows:

NOSZ – RXX Construction, Operation, Removal and Post Closure Remediation of an Aerial Cableway and associated ancillary buildings and ancillary activities within the Franz Josef Amenities Area Precinct.

Activity Status: Discretionary

Advice Note: When assessing any resource consent within the Franz Josef Amenities Area Precinct, assessment should be undertaken against all relevant OSRZ Policies, including OSRZ-P1 and OSRZ-P10 – P10.

Hearing Panel's Evaluation

723. Having carefully considered SEL's submissions and evidence, the Panel consider that provision for an appropriate consent pathway should be made for SEL's proposed aerial cableway within the Plan to support tourism, which is recognised within the Plan as being of particular economic importance for the district.
724. The Panel has considered the most efficient and effective way to achieve this in the Plan, while acknowledging the proposal may never eventuate for many reasons, including landowner and community support, financial viability, climate change, significant natural hazard risk, or ultimately because it may not be granted consent due to adverse environmental effects.
725. Overall, the Panel prefers Ms Easton's recommendation for a '*Franz Josef Amenities Area Precinct*' within the existing zone to manage the establishment and operation of the activity and agree this aligns with the broader purposes and values of the zone, with an amendment to the definition of Recreation Activities. We accept Ms Easton's view that amending the definition of Recreation Activities is within the scope of the original SEL submission. We consider her recommended amendments to the definition to include a specific reference to "*aerial cableways*", along with a new definition for Aerial Cableway, is appropriate.
726. The Panel agrees with Ms Easton that a precinct approach provides a more robust framework than specific controls, in this instance, and is already used in the Plan. We accept Ms Easton's view that it is important that the precinct aligns with the wider purposes and values of the zone. We agree with Ms Easton's assessment that the Natural Open Space Zone is the appropriate zone given the location is within a National Park. We also agree that the precinct approach has the advantage that, should the development not proceed, the wider Natural Open Space Zone provisions will still apply.
727. The Panel accepts Ms Easton's analysis that the Open Space Zone/Natural Open Space Zone suite of policies does not address tourism and that there is no scope within submissions to address this issue. However, we agree with Ms Easton that if the SEL submission is granted partial relief by creating a precinct, this provides scope to add additional policy specific to the Franz Josef Amenities Area Precinct focussed on the construction and operation of facilities in the area. Having considered her Right of Reply recommended wording for that policy, we agree with the wording with the inclusion of "*outstanding and significant values*" in clause (d). The Panel accepts that the new policy along with other relevant OSRZ policies provide sufficient policy direction.
728. The Panel agree with Ms Easton's view that a bespoke discretionary activity rule is appropriate to consider the proposal. We accept Ms Easton's recommended wording for the new rule.
729. The Panel has carefully considered SEL's request for a new Special Purpose Zone (FJAAZ) and associated bespoke objectives and policies. We find it is not 'impractical' to provide

a consenting pathway for such as proposed development within the existing zones and therefore consider a Special Purpose Zone does not meet the criteria in the National Planning Standards. Additionally, we consider SEL’s proposed objectives and policies are too complex and prescriptive for a proposed development at the concept stage and would likely require amendment subject to further design and planning for the proposal. We also consider these would conflict with other provisions in the district-wide matters and overlay chapters.

730. The Panel also agrees with Ms Easton that the risk of the special provisions (zone, overlay, precinct or specific controls) being used as a permitted baseline for another activity if the proposed activity does not eventuate is avoided using the precinct approach.

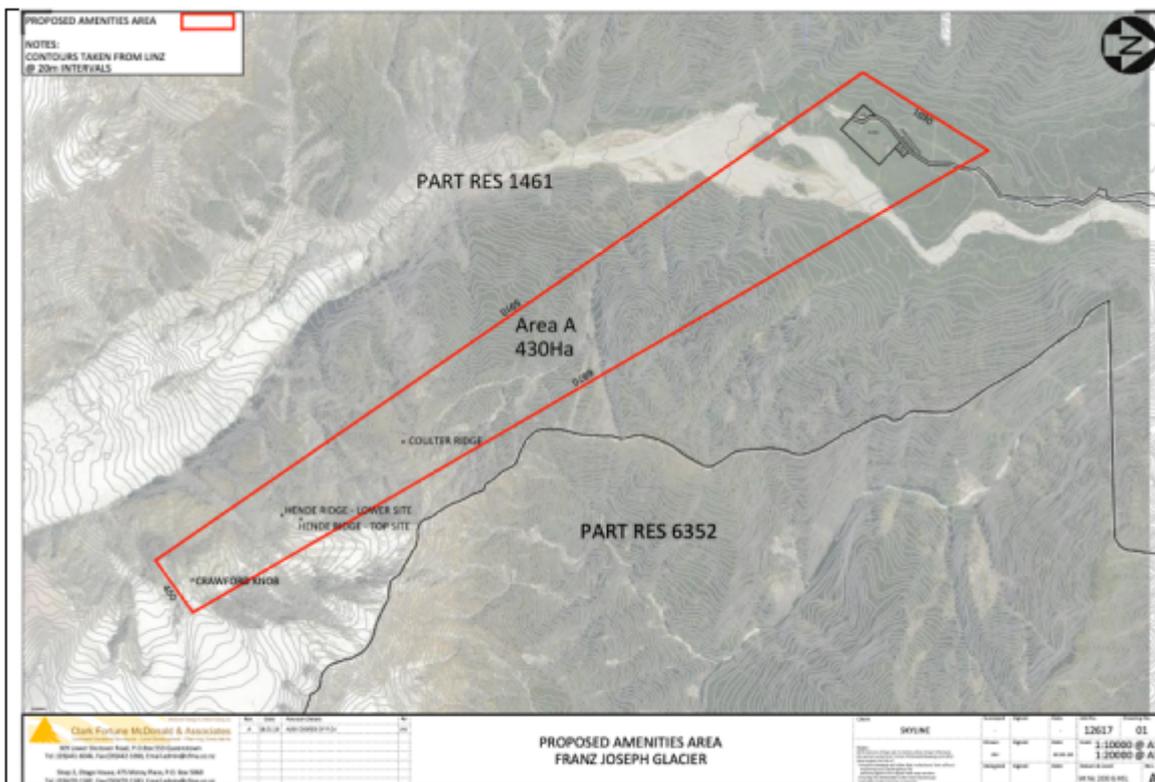
731. Essentially, we consider that Ms Easton’s recommendations achieve the desired outcome of providing an appropriate means of assessing any future resource consent application for an aerial cableway within a sensitive environment by applying the Natural Open Space Zone framework to this location. Overall, her recommendations have the attraction of simplicity and conformity with the balance of the Plan provisions, compared to the SEL’s’ more complicated planning approach.

732. The Panel generally accept the wording of the new policy NOSZ-PREC1-P1, however we consider “*minimise*” in clause (a) should be replaced with “*avoid, remedy or mitigate*” to reflect the potential for adverse effects on matters of national importance. We also consider that the text in clause (b) should be consistent with the wording in the Natural Hazard Chapter policies. We also consider that clause (c) should include reference to “*limited or temporary*” in relation to potential restrictions on public access, for certainty that it may be partial restriction to the area.

Hearing Panel’s Recommendation

733. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel accepts in part S250.002, and recommends the following changes:

Rezoning
Rezone part of the Franz Josef Glacier Valley as Natural Open Space Zone: Franz Josef Amenities Area Precinct as shown on the map below:



Area in Red to be Rezoned Natural Open Space Zone : Franz Josef Amenities Area Precinct

Definitions

RECREATION ACTIVITY

means the use of land, waterbodies and/or buildings **and structures** for the active or passive enjoyment of organised sports, recreation or leisure, whether competitive or non-competitive, and whether a charge is made for admission or not, including sporting and recreational events, but excludes gambling machines and motor sport facilities. **Recreation activities include commercial recreation activities such as commercial guiding, training, instructing, transportation, aerial cableways or provision of recreation facilities to clients for recreational purposes.**

AERIAL CABLEWAY

means an aerial lift used to carry passengers and includes aerial trams, cable cars, and gondolas and all associated support structures, terminal buildings, and viewing platforms.

Natural Open Space Zone Chapter

NOSZ – PREC1 - Franz Josef Amenities Area Precinct Policy

Within the Franz Josef Amenities Area Precinct, provide for the development and operation of an aerial cableway/gondola facility provided that:

- a. The adverse effects on the natural environment and Poutini Ngāi Tahu values are avoided, remedied or mitigated;**

b. The facilities are designed and constructed to minimise the risk of exacerbating natural hazard risk;

c. Any restrictions on public access to the Franz Josef Valley are of a limited or temporary nature during the construction period;

d. Operation of the facility is undertaken in accordance with a management plan which addresses how visitors will be managed to minimise adverse effects on the significant and outstanding values of the Franz Josef Valley including any adverse effects on the alpine environment.

NOSZ – R14 Construction, Operation, Removal and Post Closure Remediation of an Aerial Cableway and associated ancillary buildings and ancillary activities within the Franz Josef Amenities Area Precinct.

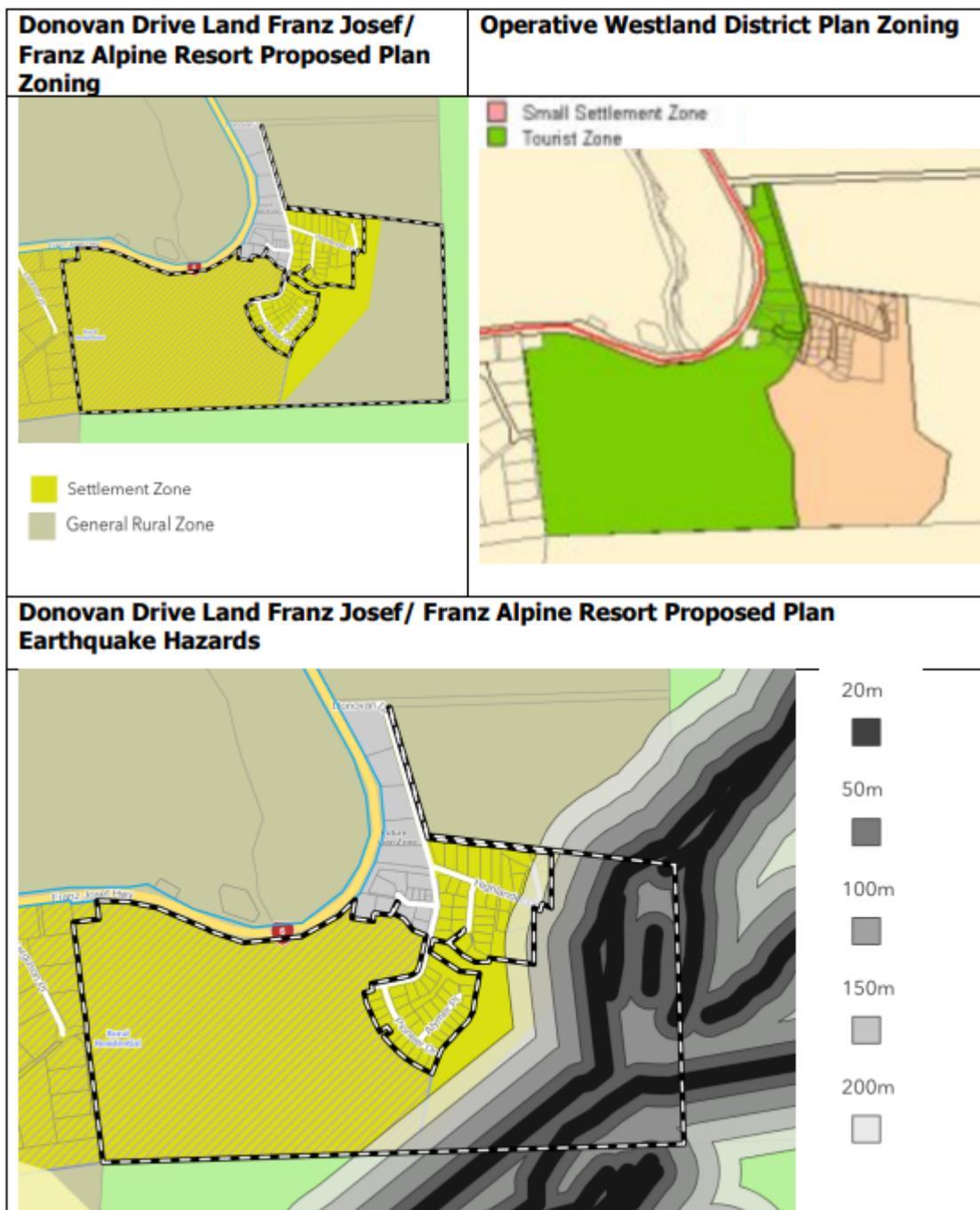
Activity Status: Discretionary

Advice Note: When assessing any resource consent within the Franz Josef Amenities Area Precinct, assessment should be undertaken against all relevant OSRZ Policies including OSRZ – P1 – OSRZ – P10.

2.10. Franz Josef Area – Gavin Molloy (Submitter 485)

734. Mr Gavin Molloy (S485.001) sought that the zoning of the land at Franz Alpine Resort as Tourist and Residential Zone and the Westland District Plan provisions be carried over into TTPP. It is noted that the Natural Hazards s42A Report considers the submitter's submission point concerning the flood overlays.

735. The subject area of this submission point is shown below:



736. Ms Easton did not support this submission. She noted that while there had been ‘downzoning’ of this area from the Operative Westland District Plan provisions, this had been in response to the issues that have arisen over time as the development commenced, both in terms of water infrastructure, and provision of better information about the hazard risks in the location with the Alpine Fault, flood hazards and land instability hazards all affecting the area.
737. Ms Easton recommended that no amendments are made to the Plan because of this submission.
738. No further information was presented at the hearing in relation to the submission point.

Hearing Panel's Evaluation and Recommendation

739. The Panel accepts Ms Easton's reasons and recommendation on this submission to retain the zone as notified.

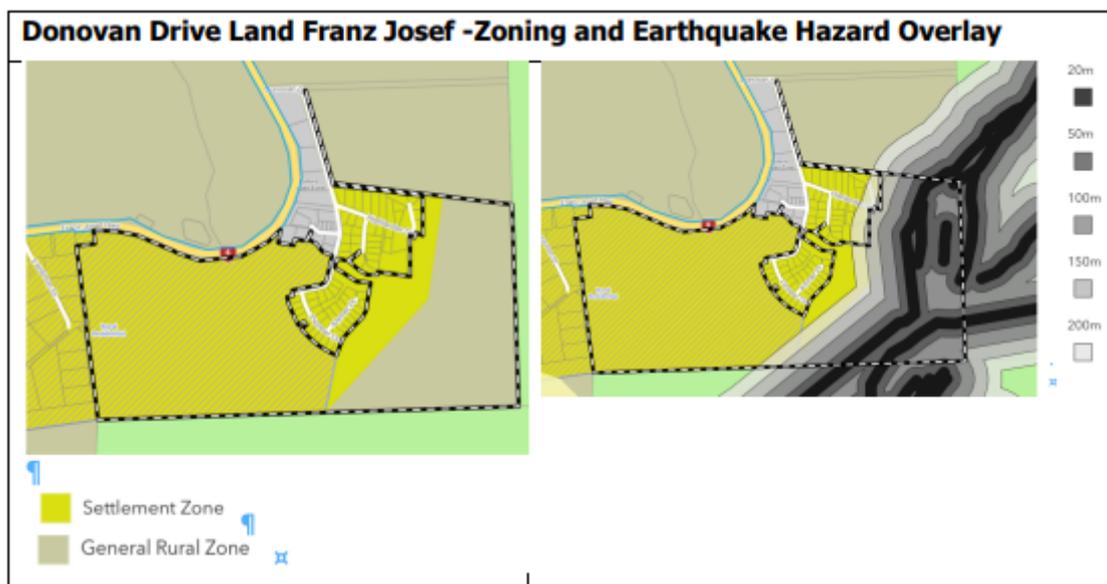
2.11. Franz Josef Area - Totally Tourism Limited (Submitter 449)

740. It is noted that the Natural Hazards Chapter Recommendation Report addresses Totally Tourism Limited's submission points in relation to flood risk. Their submission point relating to the boundaries of ONL 14 are addressed in the Natural Landscape and Feature Chapter Recommendation Report, and matters associated with AIRPZ have already been addressed in this report.

741. Ms Easton also acknowledged Totally Tourism Limited's submission point supporting the objectives and policies in the Rural Zone Chapter (S449.017) and the submission points made in support of the Settlement Zone Chapter rules (S449.016) and zoning (S449.007 and S449.010) in the Franz Josef Area.

742. Totally Tourism Limited (S449.008) sought that the 72.79 ha of land (Lot 33 Deposited Plan 409401) located off Donovan Drive, Franz Josef be rezoned to Settlement Zone - Settlement Centre Precinct. Ms Easton did not support this submission. She noted that the Plan identifies the majority of the site as Settlement Zone: Rural Residential Precinct, reflecting the lack of infrastructure servicing of this area. Ms Easton further noted that the Settlement Centre Precinct allowed a higher degree of development than any other Settlement Zone Precinct, and the Council considered that infrastructure servicing was essential for this zone. She also advised that the Alpine Fault traversed the site and that the area affected by the Earthquake Hazard Overlay was zoned General Rural Zone which she considered entirely appropriate.

743. The area subject to this submission point is shown below:



744. Ms Easton did not recommend any changes to the Plan in relation to this submission point.

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

Hearing Panel's Evaluation and Recommendation

746. In relation to the submission point (S449.008) seeking that the 72.79 ha of land (Lot 33 Deposited Plan 409401) located off Donovan Drive, Franz Josef, be rezoned from General Rural Zone to Settlement Zone - Settlement Centre Precinct, the Panel agrees with Ms Easton's recommendation to retain the site zoning as notified.

2.12. Franz Josef Area - Scenic Hotel Group (Submitter 483)

747. Ms Easton summarised the two submission points Scenic Hotel Group made on the SVZ (S483.002 and S483.005) in a Table on page 16 of the s42A Report for the Franz Josef area.

748. Scenic Hotel Group (S483.002) opposed the SVZ for their properties at:

- Te Waionui Forest Retreat 3 Wallace St Franz Josef Glacier
- Scenic Hotel Franz Josef Glacier 45 SH6 Franz Josef Glacier
- Kea Staff Village 93 Cron Street, Franz Josef Glacier
- Heartland Hotel Glacier Country, 11 Cook Flat Road, Fox Glacier
- 27-31 Sullivan Road Fox Glacier

749. Scenic Hotel Group sought to retain the Tourist Commercial Zone from the operative Westland District Plan and sought compensation for any rezoning. Ms Easton did not support this because the Tourist Commercial Zone had been included and replaced by the SVZ. She noted that the RMA explicitly provided that no compensation was payable as a result of land use rules and noted that existing uses on these sites were subject to existing use rights.

750. Scenic Hotel Group (S483.005) also sought no rezoning for its properties from Tourist Commercial (under the Westland Operative Plan zone) to General Rural Zone. Ms Easton did not support this submission. She noted the proposed future development approach for Franz Josef (which recognised the multiple hazards faced in this location and the need not to locate new development directly on the Alpine Fault or within locations at very severe risk of flooding) meant that some "downzoning" of land had occurred to manage these natural hazard risks.

751. Ms Easton did not recommend any changes to the Plan in relation to these submission points.

752. Scenic Hotel Groups (S483.004) opposed the Settlement Zone zoning on the following properties:

- 31 Pekanga Drive, Fox Glacier
- 35 Pekanga Drive, Fox Glacier
- 24 Cowan Street, Franz Josef Glacier
- 26 Cron Street, Franz Josef Glacier

- 2 Condon Street, Franz Josef Glacier.

753. These properties are shown on the maps below:



754. Ms Easton considered that Settlement Zone was entirely appropriate for these sites and noted it was the same zone as the surrounding residential properties.

755. Ms Easton advised that all three Franz Josef properties were within an area identified as Settlement Zone. She highlighted the multiple significant natural hazards that apply within Franz Josef area (Alpine Fault, flooding and landslide hazard). She noted there had therefore been a focus on ensuring that further sensitive activities were not developed on the Alpine Fault, which was located directly through 24 Cowan Street. However, she noted that these properties would benefit from existing use rights.
756. Ms Easton recommended no amendments the Plan as a result of these submission points.

Hearing and Submitter Evidence/Statements

757. Ms Melanie Foote provided planning evidence on behalf of Scenic Hotel Group. In summary, Ms Foote proposed a range of amendments to the Plan provisions (as outlined on pages 3-10 of her evidence) instead of the zoning request changes sought in submissions. She considered the amended provisions would achieve the purpose of the RMA, would ensure that the tourism industry was supported and that the growing needs of visitors were met, whilst also providing for local employment and accommodation for workers. She advised Scenic Hotel Group formally withdrew the zone changes requested.
758. At the Panel's request, Ms Foote provided further advice from Meares Williams, Legal Counsel for Scenic Hotel Group, on matters of scope in relation to their client's original submission and the amendments requested through evidence presented at the hearing. Counsel acknowledged that the nature of the submission presented some legal problems in terms of scope for the amendments sought by Ms Foote. The submissions also acknowledged that the issues and relief sought were not clear when compared to the specific and focused evidence provided by Ms Foote but argued the changes sought could be considered to be in scope "by implication".
759. Ms Foote provided a response (dated 8 November 2024) to questions raised at the hearing around her proposed drafting amendments and whether improvements could be made. Ms Foote identified further amendments/refinement in Appendix Two of her response.

Reporting Officer Reply Evidence

760. Ms Easton noted her concerns about the natural justice aspect of the provision amendments sought by Ms Foote. She retained her view that these matters were out of scope of the original Scenic Hotel Group submission.
761. For those matters which Ms Easton considered were out of scope, she considered whether there were other submission points that addressed these matters, and whether she supported the proposed amendment from Ms Foote's. She provided this analysis in a table in of her Right of Reply (pages 5 and 6).
762. Based on her analysis, Ms Easton recommended the following amendments to the SVZ rules to provide for worker accommodation:

SVZ - R1 Commercial, Visitor and Worker Accommodation, Residential, Recreational and Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities Activity Status Permitted
Where: 1....

SVZ - R5 Commercial, Visitor and Worker Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not Meeting Permitted Activity Standards Activity Status Restricted Discretionary

Where: 1.

SVZ - R6 Commercial, Visitor and Worker Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not meeting Permitted or Restricted Discretionary Activity Rules.

763. Ms Easton also referenced the location of the properties that Scenic Hotel Group own and the zoning that applied, and as noted earlier, considered some of the properties at Punakaiki may be incorrectly zoned.
764. She considered the SVZ would be a more appropriate zone for the Punakaiki Tavern and acknowledged that this may also be the case for some of this submitter's other properties. However, she did not consider there was scope within submissions for rezoning.

Hearing Panel's Evaluation

765. In relation to the submissions seeking a change to the zoning from Scenic Visitor Zone to retain the Tourist Commercial Zone from the operative Westland District Plan for properties located at Franz Josef and Fox Glacier, the Panel agrees with Ms Easton's recommendations not to amend the notified plan provisions concerning rezoning. We agree with Ms Easton that the zone the submitter sought is not included in the TTPP; however, the provisions of the Tourist Commercial Zone have been rolled over and updated into the Scenic Visitor Zone, which replaces it.
766. In relation to the submissions opposing the Settlement Zone zoning for the submitters' identified properties in Franz Josef and Fox Glacier, the Panel agrees with Ms Easton's recommendations that the Settlement Zone is entirely appropriate for these sites. It is the same zone as the surrounding residential properties. We agree that no changes are required in relation to the zoning of these properties.
767. The Panel agrees with Ms Easton that the zoning changes sought are, in any event, beyond the scope of the relevant submissions and, further, no compensation is available under the RMA relating to the Scenic Visitor or Settlement Zone submissions.
768. The Panel accepts Ms Easton's review of other submissions that address these out-of-scope matters, and her consequent recommendations to amend the rules based on those submissions, as detailed in a table on pages 5 and 6 of her Right of Reply. Essentially, she recommended adding the words '*and worker*' to each of the rules SVZ-R1, SVZ-R5 and SVZ-R6. We agree with her reasons and the wording of the amendment to these rules.

Hearing Panel's Recommendation

769. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the following amendments to the **Scenic Visitor Zone rules**, as also indicated at paragraph 681 of this Report:

Scenic Visitor Zone Rules

SVZ - R1 Commercial, Visitor and Worker Accommodation, Residential, Recreational and Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities Activity Status Permitted
 Where: 1....

SVZ - R5 Commercial, Visitor and Worker Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not Meeting Permitted Activity Standards Activity Status Restricted Discretionary
 Where: 1.

SVZ - R6 Commercial, Visitor and Worker Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not meeting Permitted or Restricted Discretionary Activity Rules. Activity Status Discretionary Activity status where compliance not achieved: N/A

2.13. Franz Josef Area - Wildlife Centre – Teewah Holdings Ltd (Submitter 1)

- 770. Ms Easton summarised the submission point made by in a Table on page 19 of the s42A Report for the Franz Josef Area.
- 771. West Coast Wildlife Centre – Franz Josef – Teewah Holdings Ltd (S1.001) sought to have their facility on land adjacent to 32 Cron Street rezoned from General Rural Zone to SVZ. Ms Easton supported this submission and advised this land had been excluded from the SVZ in error. She confirmed the land met the criteria used to identify properties for inclusion in SVZ. She clarified the property was currently zoned Settlement Zone (not General Rural) as shown on the map below:



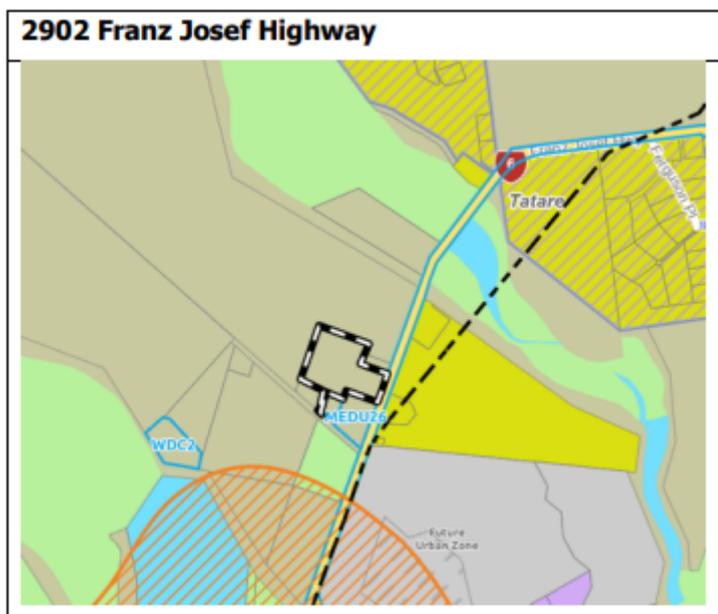
- 772. Ms Easton recommends that the property at 29-31 Cron Street – West Coast Wildlife Centre be changed from Settlement Zone to Scenic Visitor Zone on the Planning Maps.

Hearing Panel’s Recommendation

773. The Panel agrees with Ms Easton's recommendation that the West Coast Wildlife Centre site, as described above, be rezoned Scenic Visitor Zone for the reasons she provides.
774. The Panel recommends changing the zoning of 29-31 Cron Street, Franz Josef from Settlement to Scenic Visitor Zone on the Planning Maps.

2.14. Franz Josef Area - Freehold Property (Investments) LLP (Submitter 73)

775. Ms Easton summarised the submission point made by Freehold Property Investments on the Settlement Zone (S1.001) in a Table on page 21 of the s42A Report for the Franz Josef Area.
776. Freehold Property Investments (S73 sought to have the site at 2902 Franz Josef Highway (Lot 3, DP 426218) rezoned from General Rural Zone to Settlement Zone in its entirety. The site is identified below:



777. Ms Easton did not support this submission. She noted that there was no Settlement Zone land identified on the western side of the State Highway and considered rezoning would result in a pocket of Settlement Zone within a wider GRUZ area.
778. Mr Richard Innes spoke at the hearing in support of this submission. He explained the site was currently operated a Top 10 Holiday Park, which needed investment to upgrade the facilities. He considered a Settlement Zone would help in securing investment for potential development plans such as a laundry facility.
779. Ms Easton advised the Panel at the hearing, after Mr Innes presented, that she considered the most appropriate zoning would be SVZ, and that it would be a matter of determining scope of the submission to make that change. She considered that the level of development anticipated between SETZ and SVZ was similar.

Hearing Panel's Evaluation and Recommendation

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

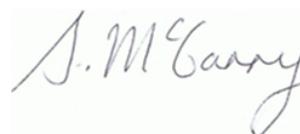
Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

780. The Panel accepts Ms Easton’s recommendation to not rezone the property at 2902 Franz Josef Highway (Lot 3 DP 426218) and to retain the notified zoning of the property. We agree that it is not appropriate to make a pocket of Settlement Zone land within a wider General Rural Zone.
781. The Panel has considered Ms Easton’s recommendation that the most appropriate zoning would be SVZ. We acknowledge the matter of scope identified by Ms Easton, but consider that the submitter was clear about reasons for seeking re-zoning, due to GRUZ not reflecting existing use of the site as a Top 10 Holiday Park, and that the submitter identified SETZ zone as an alternative based on properties nearby. The Panel agree with the submitter that GRUZ does not reflect existing use of the site. We received advice from legal counsel on application of scope over the course of the hearing. We consider that the submitter did not identify the best alternative zone, but that the matter of concern was fairly and reasonably raised and therefore the Panel are satisfied that alternative relief can be granted, particularly in light of Ms Easton’s advice about similar levels of development between SETZ and SVZ. The Panel adopt the advice of Ms Easton that the best zone for the site is SVZ, to reflect its use as a holiday park with associated tourism facilities.
782. The Panel therefore recommend that the zoning of 2902 Franz Josef Highway (Lot 3 DP 426218) is amended from General Rural Zone to Scenic Visitor Zone.



Paul Rogers

Hearings Panel - Chair



Sharon McGarry

Hearings Panel Member



Maria Bartlett

Hearings Panel Member



Dean Chrystal

Hearings Panel – Chair



Anton Becker

Hearings Panel Member

Date: 11 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Definitions

AIRPORT ACTIVITIES	<p>means the use of land and/or buildings where the principal activities relate to the function and operation of the Karamea or Greymouth Aerodrome, Westport or Hokitika Airport, Haast Airfield or Franz Josef Heliport. These include, but are not limited to:</p> <ul style="list-style-type: none"> a. Aircraft operations, including landing, taxiing and take off; b. Airport operations, including freight, luggage and passenger facilities; c. Airport navigational, control and safety equipment; d. Aviation, educational and training and recreational facilities and activities; e. Maintenance and servicing of aircraft; f. Fuel installations and fuel servicing facilities; g. Warehousing and storage; h. Catering and preparation of food; i. Access roads, car parking, walkways and cycleways; j. Emergency services. <p>They may include ancillary activities such as the sale of food and beverages which are ancillary to the principal activity.</p>
Healthcare and Medical Activities	<p>means</p> <ul style="list-style-type: none"> a. medical and psychiatric assessment, diagnosis, treatment, rehabilitation and in-patient services, including operating theatres; b. aged care facilities; c. dispensaries; d. outpatient departments and clinics; e. medical research and testing facilities, including diagnostic laboratories; f. medical training and education; g. ambulance facilities; h. first aid and other health-related training facilities; i. rehabilitation facilities, including gymnasiums and pools; j. palliative facilities; k. hospice facilities; l. residential care services and facilities; m. temporary living accommodation; n. <u>retirement villages where these are ancillary to the hospital activity;</u> n-o. secure facilities; o-p. mortuaries; and p-q. operations and maintenance support services, including laundries, kitchens, cafeterias, refreshment facilities,

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

	<p>generators, substation, storage facilities, ancillary offices, ancillary retail, ancillary childcare and ancillary business services and workshops</p>
<p>IWI/PAPATIPU RŪNANGA MANAGEMENT PLAN</p>	<p>Means a plan developed by Poutini Ngāi Tahu and:</p> <p>(1)</p> <p>a. Endorsed by the relevant Poutini Ngāi Tahu papatipu rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawho; or</p> <p>b. In areas where the takiwa of the two rūnanga overlaps endorsed by both rūnanga; <u>or</u></p> <p>c. <u>A relevant planning document recognised by Te Rūnanga o Ngāi Tahu, as the iwi authority, as an Iwi Management Plan; and</u></p> <p><u>(2) In relation to a Māori Purpose Zone an Iwi/Papatipu Rūnanga Management Plan which also must</u> includes the following information for any MPZ site it applies to:</p> <p><u>ia.</u> A description of the activities, buildings and structures, existing or proposed to be established within any development area;</p> <p><u>ib.</u> The bulk and location of any buildings and structures;</p> <p><u>ic.</u> How any adverse effects resulting from proposed activities, particularly at zone boundaries, will be avoided, remedied or mitigated;</p> <p><u>id.</u> The provision of sufficient infrastructure to service the needs of all activities proposed to be established; and</p> <p><u>ie.</u> The protection of mauri of any identified features potentially affected by any activities, buildings or structures proposed to be established</p>
<p>MĀORI LAND</p>	<p>means:</p> <p>a. Land owned by Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawho or one of their holding companies;</p> <p>b. Land gazetted or determined by order of the Māori Land Court as Māori reservation under s338 Te Ture Whenua Māori Act 1993;</p> <p>c. Māori customary and Māori freehold land as defined in s4 and s129 of Te Ture Whenua Māori Act 1993;</p> <p>d. Any land where:</p> <p>— i. A status declaration under the Māori Affairs Amendment Act 1967 was made converting Māori freehold land to general title, and where there have been no changes of ownership since the conversion other than to an owner's bloodline successor(s); or</p>

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

	<p>–ii. One or more owners are able to provide written evidence of Whakapapa to the original grantees of the land as confirmed by the Te Rūnanga o Ngāi Tahu Whakapapa Unit or the Māori Land Court; or</p> <p>–iii. The land is vested in a Trust constituted pursuant to Part 12 of Te Ture Whenua Māori Act 1993 or a Māori incorporation constituted pursuant to Part 13 of the Te Ture Whenua Māori Act 1993</p>
PAPAKĀINGA	<p>means a development for Poutini Ngāi Tahu residing on the West Coast providing of residential accommodation for members of Poutini Ngāi Tahu and may also including include communal buildings and facilities, for the benefit of members of Poutini Ngāi Tahu and others who whakapapa to Poutini Ngāi Tahu.</p>
PAPATIPU RŪNANGA	<p>has the same meaning as in the Ngāi Tahu Claims Settlement Act 1998 (as set out below): means the Papatipu Rūnanga of Ngāi Tahu Whānui referred to in section 9 of Te Runanga o Ngai Tahu Act 1996. {Ngāi Tahu Claims Settlement Act 1998}</p>
STADIUM ACTIVITY	<p>means the use of land and/or buildings where the principal activities relate to the function of the facilities in the Stadium Zone. These include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Sport and recreation activity and events 2. Cultural, entertainment and exhibition activities including music festivals, concerts and performances 3. Trade fairs, market days and displays 4. Conference, meetings and functions including weddings 5. Sports and cultural activity related education 6. Museum facilities 7. After school/holiday programmes 8. ChildcareEducational facilities 9. Physiotherapy and massage 10. Retail activities including café or retail sales that are ancillary to other activities on the site 11. Any ancillary activities necessary for the functioning of the facility, including ancillary office activity and ticket sales.
RECREATION ACTIVITY	<p>means the use of land, waterbodies and/or buildings and structures for the active or passive enjoyment of organised sports, recreation or leisure, whether competitive or non-competitive, and whether a charge is made for admission or not, including sporting and recreational events, but excludes gambling machines and motor sport facilities. Recreation activities include commercial recreation activities such as commercial guiding, training, instructing, transportation, aerial cableways or provision of recreation facilities to clients for recreational purposes.</p>
<u>AERIAL CABLEWAY</u>	<p><u>means an aerial lift used to carry passengers and includes aerial trams, cable cars, and gondolas and all associated support structures, terminal buildings, and viewing platforms</u></p>

Airport Zone Chapter

AIRPZ Airport Zone – Te Takiwā Taunga Rererangi

Overview

The Hokitika and Westport Airports, Greymouth and Karamea Aerodromes, ~~and~~ Franz Josef Heliport **and Haast Airfield** are major strategic infrastructure assets and facilities for the West Coast/Te Tai o Poutini. Hokitika and Westport Airports are key entry points along with Greymouth and Karamea Aerodromes, and Franz Josef Heliport **and Haast Airfield** play a significant role in facilitating access, trade, tourism and economic activity locally, regionally and nationally.

These facilities contain critical infrastructure assets such as runways, aprons, aircraft hangers and carparking areas. They contain operations including Air Ambulance services, refuelling services and navigational aids. They also have areas of land and buildings to serve commercial tenants. All of these facilities are included within the AIRPZ - Airport Zone. The purpose of the zone is to enable the efficient operation and development of the airports and associated land and facilities.

Other relevant Te Tai o Poutini Plan provisions

There are two key overlays which affect the Airport Zones - the Airport Approach Path Overlay which applies to the flight paths into the airports and the runways themselves, and the Airport Noise Contour Overlay.

These overlays can be viewed on the planning maps.

Rules in relation to the Airport Approach Path Overlay as it relates to areas outside of the AIRPZ - Airport Zone can be found in the Zone Chapters.

The Rules in relation to the Airport Noise Contour Overlays can be found in the NOISE Chapter at Rule NOISE - R107.

It is important to note that in addition to the provisions in this Chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for Airport Zone activities, including:

- **Sites and Areas of Significance to Māori Chapter - there may be sites and areas of significance to Māori, identified at individual sites within the Airport Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori Chapter.**
- **Natural Hazards - natural hazards are widespread on the West Coast and in some locations natural hazard overlays may affect areas in the Airport Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.**
- **Natural Character and Margins of Waterbodies - in some locations areas of Airport Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.**
- **Coastal Environment - in some locations areas of Airport Zone may be within the Coastal Environment. The Coastal Environment Chapter contains provisions on how these areas must be managed.**
- **Ecosystems and Indigenous Biodiversity – the Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Airport Zone.**

AIRPZ - O1

To support the continued operation, maintenance and upgrading of the Hokitika and Westport Airports, Greymouth Aerodrome as critical infrastructure and recognising the contribution they make to the economic and social wellbeing and health of communities of the West Coast/Te Tai o Poutini.

AIRPZ - O2

To ensure that Franz Josef (Glacier Country) Heliport, ~~and~~ Karamea Aerodrome **and Haast Airfield** continue to operate as significant tourism and industry infrastructure.

AIRPZ - O3

To manage the potential reverse sensitivity effects on the airports, airfields, aerodromes and heliports in the AIRPZ - Airport Zone by providing noise contours and requirements for mitigation of these effects during subdivision and development.

AIRPZ - O4

To ensure that the airports, airfields, aerodromes and heliports and related activities within the AIRPZ - Airport Zone maintain an acceptable level of noise amenity that recognises their inherent function, alongside the need for general amenity, for those using the airports, airfields, aerodromes and heliports and living adjacent to them.

AIRPZ – P1

Enable the efficient operation, use and development of the West Coast/Te Tai o Poutini public airports, airfields, aerodromes and heliports by providing for aviation activities and associated infrastructure necessary for them to operate in a safe and efficient manner.

AIRPZ – P2

Ensure that aircraft takeoff and landing, and safe airport, airfield, aerodrome and heliport function is not affected by the intrusion of vegetation and into approach paths within the Airport Approach Path Overlay.

AIRPZ – P3

Manage adverse effects on amenity values arising from the on-going development, use and maintenance of the airports, airfields, aerodromes and heliports in the AIRPZ - Airport Zone.

AIRPZ – P4

Ensure that the noise associated with the operation of the airports, airfields, aerodromes and heliports within the AIRPZ - Airport Zone does not exceed nationally accepted standards, and that any new noise sensitive activities provide adequate acoustic management.

AIRPZ – P5

Avoid the location of noise sensitive activities close to the airports, airfields, aerodromes and heliports in the AIRPZ - Airport Zone that have the potential to result in reverse sensitivity effects.

AIRPZ – P6

To provide for development on AIRPZ - Airport Zone land that allows for a range of commercial and industrial activity, where such activities would not:
a. Constrain airport/aviation operations;

- b. Result in significant adverse effects on urban form, including on the role, function, viability and amenity of the Town Centres and Settlements;
- c. Lead to significant adverse effects on transportation networks; or
- d. Adversely affect the visual amenity of the residential and rural areas adjacent to the airports **AIRPZ – Airport Zone.**

AIRPZ – P7

To allow for the future expansion of the Hokitika and Westport Airports aviation activities including a lengthened runway, aircraft hangers and expanded terminal whilst:

- a. Minimising effects on amenity values and traffic effects on the land transport network;
- b. Ensuring noise and light emissions remain at an acceptable level, particularly in relation to sensitive activities; **and**
- c. Recognising natural features and landforms, waterbodies, coastal environment, indigenous vegetation, historic heritage, sites and areas of significance to Poutini Ngāi Tahu, archaeological sites or scheduled features; **and**
- d. ~~including by U~~ using best practice industry requirements and technology to ensure efficient use of land and to reduce effects.

AIRPZ – P8

To provide for future additions of airports, **airfields, aerodromes** and heliports to the AIRPZ - Airport Zone where these are significant public infrastructure or public benefit and are operated by a network utility operator.

AIRPZ – P9

To encourage the incorporation of Poutini Ngāi Tahu mātauranga principles into the design of buildings in the AIRPZ - Airport Zone and opportunities for Poutini Ngāi Tahu to exercise their customary responsibilities as mana whenua and kaitiaki in respect of activities and/or development at the airports, **airfields, aerodromes** and heliports that may affect cultural, spiritual and/or heritage values of importance to Poutini Ngāi Tahu.

AIRPZ – P10

To manage the risks of natural hazards to the airports, **airfields, aerodromes** and heliports ~~ports~~ within the AIRPZ - Airport Zone including:

- a. Providing for maintenance and development activities that increase West Coast/Te Tai o Poutini public airports, **airfields, aerodromes** and heliports' resilience to natural hazards; and
- b. Planning for managed retreat from existing hazards at Westport Airport including potential relocation in the future.

AIRPZ – P11

To minimise the development or location of large **artificial** areas of open water, or other land disturbance which could act as a significant bird attractant near to the airports, **airfields, aerodromes** and heliports in the AIRPZ - Airport Zone.

AIRPZ – P12

To allow the use of the Greymouth Aerodrome for outdoor events and entertainment, where this will not compromise its primary use as an aerodrome.

Airport Zone Rules	
Permitted Activities	
AIRPZ– R1	Airport Activities
Activity Status Permitted Where: <ol style="list-style-type: none"> 1. The maximum gross ground floor area of a single building is 2000m²; 2. No building, structure or tree shall protrude into the Airport Approach Path of any airport, airfield or aerodrome identified on the planning maps and as described in Appendix Nine; and 3. Buildings are setback a minimum of 10m from the road boundary, 20m from the State Highway Boundary, and 10m from internal boundaries. 	
Activity status where compliance not achieved: Restricted Discretionary	
AIRPZ– R2	Grazing, cropping, moss collection and beekeeping Activities
Activity Status Permitted Where: <ol style="list-style-type: none"> 1. No building, structure or tree shall protrude into the Airport Approach Path of any airport, airfield or aerodrome identified on the planning maps and as described in Appendix Nine. 	
Activity status where compliance not achieved: Non-complying	
AIRPZ– R3	Emergency Service Facilities
Activity Status Permitted Where: <ol style="list-style-type: none"> 1. No building, structure or tree shall protrude into the Airport Approach Path of any airport, airfield or aerodrome identified on the planning maps and as described in Appendix Nine; and 2. Buildings are setback a minimum of 3m from the road boundary and 5m from the State Highway Boundary. 	
Activity status where compliance not achieved: Non-complying	
AIRPZ– R4	Network Utility and Meteorological Structures
Activity Status Permitted Where: <ol style="list-style-type: none"> 1. No building, structure or tree shall protrude into the Airport Approach Path of any airport, airfield or aerodrome identified on the planning maps and as described in Appendix Nine. 	
Activity status where compliance not achieved: Non-complying	
AIRPZ– R5	Fences Walls and Retaining Walls
Activity Status Permitted	

Where:

1. No fence shall protrude into the Airport Approach Path of any airport, airfield or aerodrome identified on the planning maps and as described in Appendix Nine;
2. Fences, walls and retaining walls are a maximum 2m height above ground level; and
3. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

Activity status where compliance not achieved: Restricted Discretionary

AIRPZ– R6 Outdoor events and entertainment activities at Greymouth Aerodrome

Activity Status Permitted

Where:

1. **No building or structure, including temporary buildings and structures, shall protrude into the Airport Approach Path for Greymouth Aerodrome identified on the planning maps and as described in Appendix Nine.**

Activity status where compliance not achieved: Non-complying

Restricted Discretionary Activities

AIRPZ– R67 Industrial Activities and Buildings at Hokitika or Westport Airport or Greymouth Aerodrome

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule AIRPZ - R1 are complied with.

Discretion is restricted to:

~~Matters of discretion are:~~

- a. Bulk, design and location of buildings;
- b. Incorporating Poutini Ngāi Tahu design principles into buildings;
- c. Management of access, traffic and parking;
- d. Management of odour and dust;
- e. ~~Landscape measures~~ **Measures to mitigate landscape effects;**
- f. Any impacts on the amenity or production value of surrounding rural land;
- g. Effects on visual amenity;
- h. Any impacts on the amenity of adjacent residential land; and
- i. Any impacts on the efficiency or function of the main Airport Activity in the Zone; and
- j. **Management of wastewater, stormwater and water supply in accordance with relevant requirements of NZS 4044: 2010.**

Activity status where compliance not achieved: Discretionary

AIRPZ– R78 Commercial Activities and Buildings other than Visitor Accommodation at Hokitika and Westport Airports and Greymouth Aerodrome

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule AIRPZ - R1 are complied with.

Discretion is restricted to:

- a. Bulk, design and location of buildings;
- b. Management of access, traffic and parking;
- c. ~~Landscape measures~~ **Measures to mitigate landscape effects;**
- d. Incorporating Poutini Ngāi Tahu design principles into buildings;
- e. Any impacts on the amenity or production value of surrounding rural land;
- f. Effects on visual amenity;
- g. Any impacts on the amenity of adjacent residential land; ~~and~~
- h. Any impacts of retail activities on the viability of the Hokitika, Westport or Greymouth town centres; ~~and~~
- i. Any impacts on the efficiency or function of the main Airport Activity in the Zone; ~~and~~
- j. **Management of wastewater, stormwater and water supply in accordance with relevant requirements of NZS 4044: 2010.**

AIRPZ– R89 Airport Activities and Fences, Walls and Retaining Walls not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

1. No building, structure or tree shall protrude into the Airport Approach Path of any airport, **airfield** or aerodrome identified on the planning maps and as described in Appendix Nine.

Discretion is restricted to:

- a. Bulk, design and location of buildings;
- b. Management of access, traffic and parking;
- c. ~~Landscape measures~~ **Measures to mitigate landscape effects;**
- d. Any impacts on the amenity or production value of surrounding rural land;
- e. Effects on visual amenity;
- f. Any impacts on the amenity of adjacent residential land; and
- g. Any impacts on the efficiency or function of the main Airport Activity in the Zone;
- h. **Management of wastewater, stormwater and water supply in accordance with relevant requirements of NZS 4044: 2010; and**
- i. **Incorporating Poutini Ngāi Tahu design principles into buildings.**

AIRPZ– R910 Visitor Accommodation at ~~Hokitika~~ and Haast Airfield, Westport Airport or Greymouth or Karamea Aerodrome

Activity Status Restricted Discretionary

Where:

1. No building, structure or tree shall protrude into the Airport Approach Path of any airport, **airfield** or aerodrome identified on the planning maps and as described in Appendix Nine; and
2. Visitor accommodation buildings shall meet the standards specified in Rule NOISE - R3.

Discretion is restricted to:

- a. Bulk, design and location of buildings;
- b. Management of access, traffic and parking;
- c. ~~Landscape measures~~ **Measures to mitigate landscape effects;**
- d. Incorporating Poutini Ngāi Tahu design principles into buildings;
- e. Any impacts on the amenity or production value of surrounding rural land;
- f. Effects on visual amenity;
- g. Any impacts on the amenity of adjacent residential land; ~~and~~
- h. Any impacts on the efficiency or function of the main Airport Activity in the Zone; and
- i. **Management of wastewater, stormwater and water supply in accordance with the relevant requirements of NZS 4044: 2010.**

Activity status where compliance not achieved: Non-complying

Advice Note: Visitor Accommodation Activities at Hokitika Airport are regulated under Rule AIRPZ – R12.

Discretionary Activities

AIRPZ– R101 Industrial and Commercial Activities and Buildings not meeting Restricted Discretionary Activity Standards

Activity Status Discretionary

Where:

1. This does not include Visitor Accommodation **except where this is located at Hokitika Airport;** and
2. No building, structure or tree shall protrude into the Airport Approach Path of any airport, **airfield** or aerodrome identified on the planning maps and as described in Appendix Nine.

Activity status where compliance not achieved: Non-complying

Non-complying Activities

AIRPZ– R112 Any activity not provided for by another Rule in the zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

AIRPZ– R12 Outdoor events and entertainment activities at Greymouth Aerodrome not meeting the Permitted Activity Standard

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Future Urban Zone Chapter

Overview

This zone applies to land which is intended for housing and business purposes in the future. The FUZ - Future Urban Zone applies to rural land which has been identified as being suitable for these purposes. It is located in places where this need may arise as a result of natural hazards and the need for managed retreat for settlements. The zone is a holding zone where land can continue to be used for a range of rural activities and subdivision and urban development are discouraged until a structure plan is prepared, or the land is

rezoned. Structure planning helps achieve an optimal type, form and extent of urban development and demonstrates how future development can be adequately serviced by infrastructure.

Rural-lifestyle subdivision, use and development, non-farming related industry and commercial activities are discouraged in the FUZ - Future Urban Zone along with ad hoc urban development. Subdivision and development is restricted to limit fragmentation of land and to maintain the land's character, amenity and productive capability in the interim.

The FUZ - Future Urban Zone is currently proposed in some areas on the fringes of Greymouth, as well as some locations around Franz Josef. **It is noted that significant indigenous biodiversity values in areas of the Future Urban Zone have not been assessed before the identification of areas as the Future Urban Zone, and that this work is planned to be undertaken in the future. Where there are potential land instability issues in the zone, any necessary remediation will be addressed during subdivision.**

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District - wide Matters chapters also contain provisions that may be relevant for ~~hospital~~ **Future Urban Zone** activities, including:

- ~~Overlay Chapters – the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape; riparian areas; natural hazards; and the coastal environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.~~
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters. There may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Future Urban Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the West Coast and in some locations natural hazard overlays may affect areas in the Future Urban Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.**
- **Natural Character and Margins of Waterbodies - in some locations areas of Future Urban Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.**

- **Ecosystems and Indigenous Biodiversity – the Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Future Urban Zone.**
- **Subdivision** - The Subdivision chapter sets out the requirements for subdivision activities in the FUZ - Future Urban Zone.
- **Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators.

FUZ – O1

Future urban development is not compromised by incompatible subdivision, use and development.

FUZ – O2

Future urban land is available for managed retreat of vulnerable communities.

FUZ – O3

Rural activities that will not create reverse sensitivity issues in the future are provided for until the land is rezoned for urban purposes.

FUZ – O4

Urbanisation on sites zoned FUZ - Future Urban Zone occurs in a planned manner either by Plan Change, or by implementation of a Structure Plan ~~where Council resolution identifies that natural hazard risk thresholds have been met.~~

FUZ – P1

Provide for use and development that is consistent with the policies of the GRUZ - General Rural Zone unless that use will give rise to reverse sensitivity issues when urban development occurs.

FUZ – P2

Avoid subdivision in the FUZ - Future Urban Zone that will result in the fragmentation of land and compromise future urban development.

FUZ – P3

Avoid subdivision, use and development of land that may result in one or more of the following:

- a. Structures and buildings of a scale and form that will hinder or prevent future urban development;
- b. Compromise the safe, efficient and effective operation of a future urban transport and infrastructure networks;
- c. The provision, or extension of the transport, wastewater, water supply, stormwater networks or other infrastructure unless this is provided as part of the development in a way that will not compromise the ultimate infrastructure configuration of the zone;

- d. Create or extend infrastructure out of sequence or that is not contiguous with the existing network infrastructure;
- e. Establishment of incompatible activities that could give rise to reverse sensitivity issues when urban development occurs; or
- f. Undermine the form or nature of future urban development or compromise the integrity of any relevant Structure Plan.

FUZ – P4

Where land is zoned FUZ - Future Urban Zone, subject to adequate provision of any infrastructure, to allow for:

- a. The provision of the necessary infrastructure by any person or by the Council for any part or all of that land;
- b. The provision of wastewater infrastructure that utilises disposal to land or connects to a Council operated reticulated system;
- c. Infrastructure servicing plans that are approved by Council, prior to the removal of the Future Urban Zone, which are required to be implemented under the urban zone through subsequent subdivision or development.

FUZ – P5

Where the FUZ - Future Urban Zone is activated by Council Resolution, or where urban development is undertaken prior to rezoning, provide for use and development which is consistent with the policies of the relevant urban zone as identified in the Structure Plan for the area.

Future Urban Zone Rules

Permitted Activities

FUZ - R1 Agricultural, Pastoral and Horticulture Activities and Buildings

Activity Status Permitted

Where:

1. The maximum gross ground floor area of a single building is 500m²;
2. Maximum building height above ground level is 10m;
3. Buildings are setback a minimum of 10m from the road boundary, 5m from side boundaries and 20m from rear boundaries; and
4. The minimum separation distance between buildings housing more than 10 animals or commercial livestock and a residential/settlement/rural lifestyle zone boundary shall be 30m and from any residential building on another site 50m, and from any other boundary 20m.

Activity status where compliance not achieved: Discretionary

FUZ - R2 Conservation and Recreation Activities

Activity Status Permitted

Where:

1. All performance standards for Rule FUZ - R1 are complied with.

Activity status where compliance not achieved: Discretionary

FUZ - R3 Residential Activities and Residential Units

Activity Status Permitted

Where:

1. All performance standards for Rule FUZ - R1 are complied with.
2. Residential unit density is no more than one unit per 4ha net site area except where the site is already in existence at the date of notification of the Plan;
3. There is a maximum ~~one~~ residential building per site;
4. There is no more than ~~one~~ minor residential unit with a maximum gross floor area of 65m² where this is located within 20 metres of and shares the driveway with the principal residential dwelling; and
5. Any minor residential unit shares a driveway with the site's principal residential unit.

Advice Note:

Where a residential building or noise sensitive activity is located within:

1. 80m of a State Highway with a speed limit of 70kph or greater; or
2. 40m of a State Highway with a speed limit of less than 70kph; or
3. 40m of a Railway Line; or
4. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
5. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports, **Haast Airfield**, or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Non-complying

FUZ - R4 Minor Structures

Activity Status Permitted

Where:

1. All performance standards for Rule FUZ - R1 are complied with.
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4m in height; and
5. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Controlled

FUZ - R5 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

Activity status where compliance not achieved: Discretionary

FUZ - R6 Relocated Buildings

Activity Status Permitted

Where:

- a. All performance standards for Rule FUZ - R1 and FUZ - R3 are complied with;
- b. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built, ~~to be~~ **and** used as a dwelling;
- c. A building pre-inspection report **completed in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12 month period **of the building being delivered to the site; and**
- d. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; ~~and~~
- e. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

Activity status where compliance not achieved: Controlled

FUZ - R7 Home Business

Activity Status Permitted

Where:

1. All performance standards for Rules FUZ - R1, FUZ - R3, NOISE - R1, -R2, -R4 and -R5, LIGHT - R1 and - ~~R34~~ and SIGN - R15 are complied with;
2. There is a maximum of 10 heavy vehicle movements per day and whichever is the greater of 30 light vehicle movements per day or 210 light vehicle movements per week; and
3. No external generation of dust, odour or smoke occurs as part of the activity.

Activity status where compliance not achieved: Restricted Discretionary

FUZ - R8 Visitor Accommodation

Activity Status Permitted

Where:

1. This is ancillary to a residential, conservation or rural activity;
2. All performance standards for Rules FUZ - R1, FUZ - R3, NOISE - R1, -R2, -R4 and -R5, LIGHT - R1 and - ~~R34~~ and SIGN - R15 are complied with;
3. There are a maximum of ~~six~~ **six** paying guests at any one time;
4. Notification to the District Council is required at the time of the activity commencing; and
5. Records of letting activity are kept and provided to the Council ~~on request~~ **annually**.

Advice Notes:

1. Compliance with the Building Code is also required.
2. Where a residential building or noise sensitive activity is located within:
 - a. 80m of a State Highway with a speed limit of 70kph or greater; or
 - b. 40m of a State Highway with a speed limit of less than 70kph; or
 - c. 40m of a Railway Line; or

- d. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
- e. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports, **Haast Airfield**, or Greymouth or Karamea Aerodrome. Then the acoustic insulation requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Restricted Discretionary

FUZ - R9 Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

1. This is authorised under a prospecting or exploration permit from **NZPAM New Zealand Petroleum and Minerals, where legally required;**
2. Notice is provided to the relevant District Council Consent Authority **105** working days ahead of work being undertaken **prior to any Mineral Prospecting or Mineral Exploration commencing;**
- ~~3. Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred;~~
- 3. Any earthworks associated with Mineral Prospecting or Mineral Exploration are undertaken more than 20m from a site boundary;**
4. The site shall be **is progressively** rehabilitated generally **as far as is practicable** to its original condition **prior to activity occurring with rehabilitation to be completed no later than three months after Mineral Prospecting and Mineral Exploration ceases;** and
- ~~5. All stripped material (including vegetation, soil and debris) is deposited or contained in such a manner that it does not enter any waterbody or cause the destruction of habitat.~~

Activity status where compliance not achieved: Restricted Discretionary

FUZ - R10 Any Activity provided for as a Permitted Activity within the relevant Urban Zone

Activity Status Permitted

Where:

1. The relevant District Council has made a Resolution to activate the Future Urban Zone for urban uses; and
2. A Structure Plan has been prepared **in accordance with Appendix Twelve** for the site and adopted by the relevant District Council; and
3. The activity, use and development are in accordance with the Permitted Activities in the Zone(s) identified in the adopted Structure Plan.

Activity status where compliance not achieved: Refer to relevant Zone rules

Controlled Activities

FUZ - R11 Relocated Buildings not meeting Permitted Activity Standards Activity Status Controlled

Where:

1. All performance standards for Rule FUZ - R1 and FUZ - R3 are complied with.

Matters of control are:

- a. Design and location of structures;
- b. Methods of wastewater and stormwater treatment and disposal;
- c. Methods of ensuring safe drinking water supply;
- d. Landscape measures; and

e. Appearance of buildings.

Activity status where compliance not achieved: Discretionary

FUZ - R12 Minor Structures not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. The minor structure does not exceed 10m in height above ground level; and
2. All other performance standards from Rule FUZ - R1 are complied with.

Matters of control are:

- a. Design and location of structures; and
- b. ~~Landscape measures~~ **Measures to mitigate landscape effects;**

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

FUZ - R13 Home Business not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

1. This is ancillary to a residential or rural activity; and
2. All performance standards for Rule FUZ - R1 and FUZ - R3 are complied with.

Discretion is restricted to:

- a. Hours of operation, emission of noise and traffic generation;
- b. Compatibility with the character and amenity values of the Future Urban Zone;
- c. Site design, layout and scale;
- d. Adequacy of infrastructure servicing including on-site servicing;
- e. Ensuring that the activity avoids constraining the establishment of activities otherwise anticipated within the Future Urban Zone;
- f. The extent to which measures are included that internalise effects and avoid conflict and potential reverse sensitivity effect on activities anticipated within the Future Urban Zone; and
- g. No external generation of dust, odour or smoke occurs as part of the activity.

Activity status where compliance not achieved: Non-complying

FUZ - R14 Visitor Accommodation and Temporary Worker Accommodation not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

1. This is ancillary to a residential, rural or conservation activity; and
2. All performance standards for Rule FUZ - R1 and FUZ - R3 are complied with.

Discretion is restricted to:

- a. Requirements for record keeping of letting activity;
- b. Hours of operation, emission of noise and traffic generation;
- c. Compatibility with the character and amenity values of the Future Urban Zone;
- d. Site design, layout and scale;
- e. Adequacy of infrastructure servicing including on-site servicing;
- f. Ensuring that the activity avoids constraining the establishment of activities otherwise anticipated within the Future Urban Zone; and

- g. The extent to which measures are included that internalise effects and avoid conflict and potential reverse sensitivity effect on activities anticipated within the Future Urban Zone.

Activity status where compliance not achieved: Non-complying

FUZ - R15 Mineral Extraction, Mineral Prospecting, Mineral Exploration not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Whether the activity could compromise the future intended use of the Future Urban Zone;
- b. The extent to which measures are included that internalise effects and avoid conflict and potential reverse sensitivity effect on activities anticipated within the Future Urban Zone;
- c. Management of access, parking and traffic generation from the site;
- d. Noise, glare, light, dust, blasting and vibration management;
- e. Hours of operation;
- f. Hazardous substances and waste management;
- g. Historic and cultural heritage requirements;
- h. Extent and design of earthworks and indigenous vegetation clearance;
- i. Effects on ecological values including any threatened fauna or their habitats;
- j. Design and location of ancillary buildings, structures and infrastructure;
- k. Overburden management;
- l. Monitoring, reporting and community liaison requirements;
- m. Financial contributions and any requirement for bonds;
- n. Potential for reverse sensitivity effects; and
- o. Site rehabilitation and mine closure requirements.

Activity status where compliance not achieved: N/A

FUZ -R16 Community Facilities

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule FUZ - R1 and FUZ - R3 are complied with.

Discretion is restricted to:

- a. Compatibility with the character and amenity values of the Future Urban Zone;
- b. Site design, layout and scale;
- c. Adequacy of infrastructure servicing including on-site servicing;
- d. Ensuring that the activity avoids constraining the establishment of activities otherwise anticipated within the Future Urban Zone; and
- e. The extent to which measures are included that internalise effects and avoid conflict and potential reverse sensitivity effect on activities anticipated within the Future Urban Zone.

Activity status where compliance not achieved: Discretionary

FUZ -R17 Camping Grounds

Activity Status Restricted Discretionary

Where:

1. All performance standards for Rule FUZ - R1 and FUZ - R3 are complied with.

Discretion is restricted to:

- a. Compatibility with the character and amenity values of the Future Urban Zone;
- b. Site design, layout and scale;
- c. Adequacy of infrastructure servicing including on-site servicing;
- d. Ensuring that the activity avoids constraining the establishment of activities otherwise anticipated within the Future Urban Zone; and
- e. The extent to which measures are included that internalise effects and avoid conflict and potential reverse sensitivity effect on activities anticipated within the Future Urban Zone.

Activity status where compliance not achieved: Discretionary

Discretionary Activities

FUZ - R18 Relocated Buildings, Minor Structures, Fences, Walls and Retaining Walls, Community Facilities and Camping Grounds not meeting Permitted, Controlled or Restricted Discretionary Activity Standards

Activity Status Discretionary

Where:

- ~~1. The performance standards for Rule FUZ - R3 are complied with.~~

Activity status where compliance not achieved: ~~Non-complying~~ **N/A**

FUZ - R19 Agricultural, Pastoral and Horticultural Activities not meeting Rule FUZ - R1

Activity Status Discretionary

Where:

1. There is no intensive indoor primary production being undertaken.

Activity status where compliance not achieved: Non-complying

FUZ - R20 Any activity not provided for by another Rule in the zone

Activity Status ~~Non-complying~~ Discretionary

Activity status where compliance not achieved: N/A

Non-Complying Activities

FUZ - R21 Residential Activities not provided for as a Permitted Activity

Activity Status Non-complying

Activity status where compliance not achieved: N/A

FUZ - R22 Commercial Activities including Visitor Accommodation and Home Business not provided for in another rule within the Future Urban Zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

FUZ - R23 Industrial Activities including Rural Industrial Activities

<p>Activity Status Non-complying</p> <p>Activity status where compliance not achieved: N/A</p>
<p>FUZ - R24 Intensive Indoor Primary Production</p>
<p>Activity Status Non-complying</p> <p>Activity status where compliance not achieved: N/A</p>

Hospital Zone Chapter

<p>HOSPITAL ZONE</p> <p>Overview</p> <p>The HOSZ - Hospital Zone applies to the three public hospitals that are located on the West Coast/Te Tai o Poutini. It also applies to major medical centres and aged care facilities. Te Nikau, Grey Hospital and Health Centre is the main public regional hospital and is located in Greymouth/Māwhera. It provides a range of services that are essential to the social wellbeing and health for people and communities throughout the West Coast/Te Tai o Poutini. Buller and Reefton Hospitals provide a range of hospital and health services for the communities within the Buller District.</p> <p>There are also medical centres at Fox Glacier/Weheka, Franz Josef/Waiau, Haast, Harihari, Hokitika, <u>Ngākawau</u>, and Karamea and aged care facilities in Westport/ Kawatiri, Greymouth/Māwhera and Hokitika included within the zone.</p> <p>The zone's purpose is to provide for efficient and effective operation and development of these regionally important medical facilities. It also provides for ancillary activities that are associated with each hospital, such as pharmacies, offices, administrative activities and commercial activities.</p> <p>The sites on which the hospitals are located are predominantly characterised by bulky buildings with large footprints. These buildings tend to generate higher volumes of passenger vehicle traffic compared with typical residential or business activities and as a result, have large areas of sealed parking. Signage is important for wayfinding and providing information about hospital facilities and lighting is important for wayfinding and safety. Sporadic noise is generated from ambulance sirens and helicopters.</p> <p>Flexibility for medical facilities to develop, upgrade, expand and adapt is important. Some of the facilities run 24 hours per day and have special operational needs and environmental effects. The special purpose is to provide for a degree of operational flexibility, subject to environmental considerations, while ensuring neighbouring communities are aware of what is anticipated within the zone.</p> <p>Other relevant Te Tai o Poutini Plan provisions</p> <p>It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for hospital activities, including:</p> <p>b. Overlay Chapters – the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape; riparian</p>

areas; natural hazards; and the coastal environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters** - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Hospital Zone. Specific information on the provisions that apply to these can be found in the **Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters**.
- **Natural Hazards** - natural hazards are widespread on the West Coast and in some locations natural hazard overlays may affect areas in the Hospital Zone. Information on natural hazard overlays and provisions can be found in the **Natural Hazards Chapter**.
- **Coastal Environment** - in some locations areas of Hospital Zone may be within the **Coastal Environment**. The **Coastal Environment Chapter** contains additional provisions on how these areas must be managed.
- **Ecosystems and Indigenous Biodiversity** – the **Ecosystems and Indigenous Biodiversity Chapter** contains the provisions around the management of indigenous vegetation, including within the Hospital Zone.
- **Noise** - The Noise Chapter contains the provisions for managing noise effects from sites in the HOSZ - Hospital Zone.
- **Signs** - The Signs Chapter contains the provisions for signs, including those within the HOSZ - Hospital Zone.
- **Light** - The Light Chapter contains the provisions for artificial outdoor light, including lighting within the HOSZ - Hospital Zone.

HOSZ-01

To ensure the safe and efficient operation, maintenance, upgrading and expansion of the West Coast/Te Tai o Poutini hospitals, medical centres and aged care facilities.

HOSZ- 02

To recognise the scale, form, nature and use of development at the Te Nikau Grey Hospital, Reefton Hospital and Buller Integrated Health Facility sites. These sites are characterised by:

- a. Large scale grounds and buildings which accommodate major healthcare activities and ancillary support activities;
- b. A range of scales of buildings; and
- c. A spacious and open environment.

Hospital Zone Policies

HOSZ-P1

Allow activities that are compatible with the role, function and predominant character of the HOSZ - Hospital Zone, including:

- a. Major healthcare activities;
- b. Medical and health services;
- c. Helicopter facilities, including helicopter take-off and associated fuelling and service facilities at Te Nikau Grey Hospital, Buller Integrated Health Facility and Reefton Hospital sites;
- d. Building activities;
- e. Carparking;
- f. Emergency response services;
- g. Temporary accommodation;
- h. Ancillary retail, café and service facilities; ~~and~~
- i. Ancillary community facilities; and
- j. **Aged care facilities, including retirement villages where these are ancillary to the hospital activity.**

HOSZ-P2

Require activities within the HOSZ - Hospital Zone to maintain the residential amenity of adjoining residential sites by:

- 1. Ensuring structures are of a bulk, height and form that minimises adverse dominance effects on adjoining residential activities;
- 2. Achieving adequate separation distances and/or setbacks to minimise adverse daylighting and shading effects;
- 3. Managing adverse noise and light overspill within adjoining residential sites;
- 4. Providing screening to minimise adverse visual effects for adjoining residential sites; and
- 5. Avoiding industrial and non-hospital related commercial and residential activities within the zone.

Hospital Zone Rules

Permitted Activities

HOSZ – R1 Healthcare and Medical Activities and Buildings

Activity Status Permitted

Where:

- 1. Any ancillary commercial activity does not exceed 200m² gross floor area or 10% of the hospital building footprint per commercial activity per site, whichever is the lesser;
- 2. The maximum building height above ground level is:

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

- a. 12 metres at the Te Nikau Grey Hospital, Reefton Hospital and Buller Integrated Health Centre Site; and
- b. 10m at all other locations in the zone; and
- c. This does not include solar water heating components, antennas, aerials, flues, chimneys, satellite dishes (less than 1m in diameter) and architectural features (e.g. finials, spires) that do not exceed the height by more than 1m;
3. ~~The maximum building length is 20m where this is within 5m of an adjoining RESZ- Residential Zone;~~
4. All outdoor rubbish and collection areas must be fully screened with a fence that is 1.8m in height measured from ground level;
5. Any building or structure including car parking areas, outdoor storage and rubbish collection areas must be setback:
 - a. 5m from any RESZ - Residential Zone or OSRZ - Open Space and Recreation Zone; and
 - b. 5m from the road boundary; and
6. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to:
 - a. Road boundaries;
 - b. Buildings on adjoining sites that have a common wall along the boundary;
 - c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
 - d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
 - e. Solar panels and solar water heaters provided, these do not exceed the height in relation to the boundary plane by more than 0.5m vertically.

Advice Note:

1. Where Healthcare and Medical Facilities are located within one of the Natural Hazard Overlays, the relevant rules for sensitive activities and critical response facilities of the Natural Hazards Chapter will apply.
2. Where Healthcare and Medical Facilities are located within the Airport Noise Contour boundary, the acoustic insulation requirements of Rule NOISE - R3 will apply.
3. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to the relevant district council.**

HOSZ – R2 Helicopter facilities including helicopter pads and associated fuelling and servicing facilities

Activity Status Permitted

Where:

1. These are located at the Te Nikau Grey Hospital, Reefton Hospital or Buller Integrated Health Facility **or Medical Centre** sites only;
2. All performance standards for Rule HOSZ – R1 are complied with.

HOSZ - R3 Community Facilities and Emergency Service Facilities

Activity Status Permitted

Where:

1. All performance standards for Rule HOSZ -R1 are complied with ~~except that hose drying towers associated with Emergency Service Facilities are exempt from height standards;~~ and
2. Any community facility is ancillary to and/or supports healthcare and medical activity.

Activity status where compliance not achieved: Restricted Discretionary

HOSZ - R4 Minor Structures

Activity Status Permitted

Where:

1. All performance standards for Rule HOSZ -R1 are complied with;
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter and not project more than 3.5m above the highest point of any building they are attached to;
4. Any ornamental or garden structure must not exceed 2.4 m in height; and
5. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Restricted Discretionary

HOSZ - R5 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level.

Activity status where compliance not achieved: Restricted Discretionary

~~HOSZ - R6 Relocated Buildings~~

~~Activity Status Permitted~~

~~Where:~~

- ~~1. All performance standards for Rule HOSZ -R1 are complied with;~~
- ~~2. A building pre inspection report shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the reinstatement works shall be completed within a 12 month period;~~
- ~~3. The building shall be located on permanent foundations approved by building consent no later than 2 months of the building being moved to the site; and~~
- ~~4. All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

~~**Activity status where compliance not achieved:** Restricted Discretionary~~

Restricted Discretionary Activities

HOSZ - R76 Activities, Buildings, Facilities, Minor Structures, Fences, Walls and Retaining Walls Provided for as Permitted Activities but not meeting the Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Design, size and location of buildings, structures and facilities;
- b. Screening, planting and landscape measures;
- c. Shading and privacy impacts on neighbouring properties;
- d. Any adverse effects on the streetscape;
- e. Any adverse effects on the amenity of neighbouring properties;
- f. The extent to which the infringement is necessary due to the shape, natural or physical features of the site; ~~and~~
- g. The extent to which any helicopter facilities are ancillary to and necessary for effective Healthcare and Medical Activities in the zone; and
- h. **Management of wastewater, stormwater and water supply in accordance with the relevant requirements of NZS 4044: 2010.**

Discretionary Activities

HOSZ - R87 Any Activity that is not a Permitted Activity, a Restricted Discretionary Activity or a Non-complying Activity

Activity Status Discretionary

Activity status where compliance not achieved: N/A

Non-complying Activities

HOSZ - R98 Commercial Activity not ancillary to a Healthcare and Medical Activity

Activity Status Non-complying

Activity status where compliance not achieved: N/A

HOSZ - R109 Residential Activity not provided for as a Permitted Activity

Activity Status Non-complying

Activity status where compliance not achieved: N/A

HOSZ - R110 Industrial Activity

Activity Status Non-complying

Activity status where compliance not achieved: N/A

~~**HOSZ - R121 Any activity not provided for by another Rule in the zone**~~

~~**Activity Status Non-complying**~~

~~**Activity status where compliance not achieved: N/A**~~

Māori Purpose Zone

MĀORI PURPOSE ZONE

Overview

The purpose of the MPZ - Māori Purpose Zone is to enable tino rangatiratanga for Poutini Ngāi Tahu in relation to their own lands, and allow for their unique social, cultural, environmental and

economic needs to be met within Te Tai o Poutini/the West Coast, **and a variety of uses of Māori land.**

A key element of the rules in the zone, is the development of Iwi/Papatipu Rūnanga Management Plans. These plans will be developed by Poutini Ngāi Tahu and endorsed by the relevant rūnanga - Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio, **or Te Rūnanga o Ngāi Tahu.** In areas where their takiwā overlaps, the plan(s) will need to be endorsed by both **Papatipu Rūnanga.**

These Iwi/Papatipu Rūnanga Management Plans will enable Poutini Ngāi Tahu to undertake activities on specific sites in a way that reflects the unique identities and values of the sites, while managing the effects of the activities.

Once the Iwi/Papatipu Rūnanga Management Plan is lodged with the Council, many activities become **p**Permitted. Prior to that, the zone still provides for a wide range of **p**Permitted **a**Activities which enable Poutini Ngāi Tahu to use and develop the land within a cultural framework.

~~The MPZ – Māori Purpose Zone incorporates a variety of land types, but it is only Māori Land that should benefit from these provisions and enjoy the additional activities that can be undertaken within the Zone. When land is no longer Māori Land in this zone, other zone provisions should apply and a Plan Change will be required to amend the zone.~~

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for activities in the ~~GRUZ – General Rural Zone~~ MPZ – Māori Purpose Zone, including:

~~a. Overlay Chapters – the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape; riparian areas; natural hazards; and the coastal environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.~~

Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Māori Purpose Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.

Natural Hazards - natural hazards are widespread on the coast and in some locations natural hazard overlays may affect areas in the Māori Purpose Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.

Natural Character and Margins of Waterbodies - in some locations areas of Māori Purpose Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.

Ecosystems and Indigenous Biodiversity – The Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Māori Purpose Zone.

Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment Chapter contains provisions for activities within these areas.

General District Wide Matters - provisions in relation to earthworks, signs, subdivision and activities on the surface of water in particular may be relevant to many activities.

Māori Purpose Zone Objectives

MPZ – O1

The use and possession of ~~ancestral~~ land by Poutini Ngāi Tahu and ~~Te Rūnanga o Ngāi Tahu~~ is recognised and provided for within the MPZ - Māori Purpose Zone, within which Ngāi Tahu are able to exercise tino rangatiratanga.

MPZ – O2

The MPZ - Māori Purpose Zone specifically provides **for use of Māori land and** Poutini Ngāi Tahu needs and activities, including **for the avoidance of doubt in respect of both** residential, social, cultural, environmental and economic use and development to:

- a. Provide a safe, nurturing environment for ngā uri (descendants), whānau (family), hapū (extended family), iwi me ngā manuhiri (tribe and visitors);
- b. Ensure the whenua is managed in accordance with tikanga Māori; and
- c. Ensure the protection and maintenance of ngā taonga tuku iho (treasures)

MPZ – O3

Provide for appropriate use and development of the MPZ - Māori Purpose Zone while recognising ~~The significant coverage of identified natural environment overlays across some parts of the MPZ – Māori Purpose Zone and the contribution their values make to the wider community is recognised, and the appropriate use and development of the Zone is provided for.~~

Māori Purpose Zone Policies

MPZ - P1

Enable the incorporation of whānaungatanga, mātauranga and tikanga in relation to the use, design and layout of development within the MPZ - Māori Purpose Zone.

MPZ – P2

Enable the use and development of the land in the MPZ - Māori Purpose Zone for a wide range of activities to support the Poutini Ngāi Tahu community **and enable the use and development of Māori land**, including:

- a. Single dwellings, multiple dwellings, and papakāinga housing;
- b. Marae complexes;
- c. Cultural uses including harvest of mahinga kai;
- d. Social, recreational, educational and community facilities; and
- e. Farming and other economic activities.

While

- i. Ensuring any significant adverse effects from these activities on adjoining landowners beyond the zone and the wider environment are **avoided, remedied or** mitigated; and
- ii. Requiring that the above activities are adequately serviced with on-site or community scale facilities **for water supply, wastewater or stormwater.**

MPZ - P3

Enable the establishment of compatible activities within the MPZ - Māori Purpose Zone while ensuring that:

- a. Use and development is consistent with the purpose of the zone;
- b. The Poutini Ngāi Tahu community is sustained;

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

Special Purpose Zones - Ngā Takiwa mō Kaupapa kē

- c. Cultural values are maintained or enhanced; and
- d. The quality of the environment within or adjacent to the zone is not adversely affected.

MPZ – P4

Avoid activities which are likely to be incompatible with the purpose of the MPZ - Māori Purpose Zone, unless a cultural impact assessment endorsed by the relevant rūnanga demonstrates that the effects on the cultural values are acceptable or can be mitigated.

MPZ – P5

Provide for the use of Papatipu Rūnanga mandated Iwi/Papatipu Rūnanga management plans to provide for development in different areas within the MPZ - Māori Purpose Zone; ensuring that these plans contain the level of detail necessary to ensure that comprehensive, coordinated and efficient development occurs, including:

- a. A description of activities, buildings and structures existing, or proposed to be established within the development area;
- b. The bulk and location of any buildings and structures;
- c. How adverse effects resulting from proposed activities, in particular at zone boundaries, will be avoided, remedied or mitigated;
- d. The provision of sufficient infrastructure to service the needs of all activities proposed to be established; and
- e. The protection of the mauri of any identified features potentially affected by any activities, buildings or structures proposed to be established.

MPZ – P6

Support the future application of the MPZ - Māori Purpose Zone to locations where it will enable the use and development of land in accordance with tikanga Māori and to meet the needs of Poutini Ngāi Tahu ~~needs~~ and enable the use of Māori land.

Māori Purpose Zone Rules

Permitted Activities

MPZ - R1 Māori Purpose

Activities Activity Status

Permitted

Where:

1. The maximum gross ground floor area of a single building is 500m²;
2. Maximum building height above ground level is 10m;
3. Maximum site coverage is ~~45~~50%;
4. Buildings are setback a minimum of ~~10~~4.5m from the road boundary, 20m from the State Highway Boundary, and ~~5~~1m from internal boundaries, except that:
 - a. ~~in~~ in the Arahura Pā settlement buildings are setback 5m from the road and any GRUZ - General Rural Zone or INZ - Industrial Zone boundary and 1m from internal boundaries;
5. The average residential density is no more than ~~one~~1 unit per ~~5~~300m² net site area in areas fully serviced by a network utility operator with wastewater, water supply and stormwater systems; ~~and~~
6. In areas not serviced by network utility operated wastewater, stormwater and water supply the average dwelling/papakāinga building density is no more than one unit and one minor residential unit per 1000m² net site area; ~~and~~

7. **Where reticulated systems are available, buildings are connected to the reticulated wastewater, stormwater and water supply systems, and where these are not available wastewater, stormwater and water supply systems are designed to meet the relevant standards of NZS4404:2010.**

Advice Note:

Where a residential building or noise sensitive activity is located within:

- i. 80m of a State Highway with a speed limit of 70kph or greater; or
- ii. 40m of a State Highway with a speed limit of less than 70kph; or
- iii. 40m of a Railway Line; or
- iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
- v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports, Haast Airfield or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Restricted Discretionary

MPZ - R2 Agricultural, Pastoral or Horticultural Activities or Buildings

Activity Status Permitted

Where:

1. The activity does not include intensive indoor primary production;
2. All performance standards for Rule MPZ-R1 are complied with;
3. The minimum separation distance between buildings housing more than **five** animals or commercial livestock and a residential/settlement/rural lifestyle zone boundary shall be 100m and from any dwelling 30m, and from any other boundary 20m; ~~and~~
4. The minimum separation distance between buildings housing more than 10 animals or commercial livestock and a residential/settlement/rural lifestyle zone boundary shall be 30m and from any dwelling on another site 50m, and from any other boundary 20m; **and**
5. Performance standards for beekeeping in the Westland District apply as follows:
 - i. No bees may be kept on a property less than 600m² net site area; and
 - ii. Beehives must be placed with an obstruction in front of them or be elevated to ensure all bees are able to be 2.5m above ground level prior to crossing the site boundary.

Advice Note:

If land is used for disposal of effluent or solid waste then there may be rules that apply in the Regional Air Plan and Regional Land and Water Plan administered by West Coast Regional Council.

Activity status where compliance not achieved: Discretionary

MPZ - R3 Conservation and Recreation Activities

Activity Status Permitted

Where:

1. All performance standards for Rule MPZ - R1 are complied with.

Activity status where compliance not achieved: Discretionary

MPZ - R4 Residential Activities

Activity Status Permitted

Where:

1. All performance standards for Rule MPZ-R1 are complied with.

Advice Note:

- i. Where a residential building or noise-sensitive activity is located within:
- ii. 80m of a State Highway with a speed limit of 70kph or greater; or
- iii. 40m of a State Highway with a speed limit of less than 70kph; or 40 m of a Railway Line; or
- iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
- v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports, **Haast Airfield** or Greymouth or Karamea Aerodrome.

Then the acoustic insulation requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Discretionary

MPZ - R5 Minor Structures

Activity Status Permitted Where:

1. All performance standards for Rule MPZ - R1 are complied with; and
2. The minor structures are identified in an Iwi/Papatipu Rūnanga Management Plan; or
3. If there is no Iwi/Papatipu Rūnanga Management Plan:
 - i. Masts, poles and aerials must not exceed 7m in height;
 - ii. Any antenna dish must be less than 1m in diameter;
 - iii. Any ornamental or garden structure must not exceed 2.4 m in height; **and**
 - iv. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Restricted Discretionary

MPZ - R6 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; ~~and~~
2. ~~The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.~~

Activity status where compliance not achieved: Discretionary

MPZ - R7 Relocated Buildings

Activity Status Permitted

Where:

1. All performance standards for Rule MPZ - R1 are complied with; ~~and~~
2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built ~~to be~~ **and** used as a dwelling;
3. A building pre-inspection report **completed in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed on the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within 12 months **of the building being delivered to the site; and**
4. The building shall be located on permanent foundations approved by building consent no later than ~~two~~ **two** months of the building being moved to the site; ~~and~~
5. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12~~

~~months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

Activity status where compliance not achieved: Restricted Discretionary

MPZ - R8 Visitor Accommodation that is not in a Marae Complex

Activity Status Permitted

Where:

1. This is ancillary to a Residential Activity, Agricultural, Horticultural or Pastoral Activity, Conservation Activity or Māori Purpose Activity;
2. All performance standards for Rule MPZ - R1 are complied with;
3. There is a maximum of ~~six~~ **six** paying guests at any one time;
4. Notification to the District Council is required prior to the activity commencing; and
6. Records of letting activity must be kept and provided to the Council ~~on request~~ **annually**.

Advice Note:

Where a residential building or noise sensitive activity is located within:

- i. 80m of a State Highway with a speed limit of 70kph or greater; or
- ii. 40m of a State Highway with a speed limit of less than 70kph; or
- iii. 40m of a Railway Line; or
- iv. The 50 dBA Noise Contour boundary of Franz Josef Heliport; or
- v. The 55 dBA Noise Contour boundary of the Westport or Hokitika Airports, **Haast Airfield** or Greymouth or Karamea Aerodrome;
- vi. 100m of a Rifle Range Protection Area identified in the Rifle Range Protection Area overlay. Then acoustic insulation requirements are set out in Rule NOISE - R3 will apply.

Activity status where compliance not achieved: Restricted Discretionary

MPZ - R9 Community Facilities, Park Furniture and Emergency Services Facilities

Activity Status Permitted

Where:

1. All performance standards for Rule MPZ - R1 are complied with.

Activity status where compliance not achieved: Restricted Discretionary

MPZ - R10 Buildings and Other Activities in aAccordance with an Iwi/Papatipu Rūnanga Management Plan not provided for in another Permitted Activity Rule

Activity Status Permitted

Where:

1. All performance standards for Rule MPZ - R1 are complied with.

Activity status where compliance not achieved: Restricted Discretionary

Restricted Discretionary Activities

MPZ - R11 Māori Purpose Activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. The extent to which the proposal complies with any Iwi/Papatipu Rūnanga ~~M~~management ~~P~~lan in place for the site;
- b. Size, height, design and location of any buildings and structures;
- c. ~~Landscape measures~~**Measures to mitigate landscape effects;**
- d. Density of any residential buildings; ~~and~~
- e. Methods of water supply, wastewater and stormwater treatment and disposal; **and**
- f. **Design and location of vehicle access.**

Activity status where compliance not achieved: N/A

Notification: Applications for activities under this rule will not be publicly notified.

MPZ -R12 Minor structures not meeting Permitted Activity Standards Activity

Status Restricted Discretionary

Where:

1. The minor structure does not exceed 10m in height; and
2. All other performance standards for Rule MPZ - R1 are complied with.

Discretion is restricted to:

- a. Compliance with any Iwi/Papatipu Rūnanga ~~M~~management ~~P~~lan in place for the site; **or**
- b. **If there is no Iwi/Papatipu Rūnanga Management Plan in place for the site:**
 - i. Design and location of structures; and
 - ii. ~~Landscape measures~~**Measures to mitigate landscape effects.**

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be publicly notified.

MPZ - R13 Relocated buildings not meeting Permitted Activity Standards Activity

Status Restricted Discretionary

Where:

1. All performance standards for Rule MPZ - R1 are complied with.

Discretion is restricted to:

- a. Compliance with any Iwi/Papatipu Rūnanga ~~M~~management ~~P~~lan in place for the site; **or**
- b. **If there is no Iwi/Papatipu Rūnanga Management Plan in place for the site**
 - i. Design and location of structures;
 - ii. Appearance of buildings; and
 - iii. ~~Landscape measures~~**Measures to mitigate landscape effects;**

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be publicly notified.

MPZ - R14 Intensive indoor primary production

Activity Status Restricted Discretionary

Where:

1. This is not within the Arahura Pā settlement area; and
2. All performance standards for Rule MPZ - R1 are complied with.

Discretion is restricted to:

- a. Compliance with any Iwi/Papatipu Rūnanga Mmanagement Plan in place for the site;
- b. Bulk and location of buildings;
- c. Management of traffic and parking;
- d. Management of odour;
- e. ~~Landscape measures~~ **Measures to mitigate landscape effects;**
- f. Any impacts on the production values of the surrounding land;
- g. Effects on visual amenity and rural character; and
- h. Methods of water supply and effluent and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be publicly notified.

MPZ - R15 Visitor and temporary worker accommodation not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

1. This is ancillary to a farming, conservation, residential or Māori purpose activity; and
2. All performance standards for Rule MPZ - R1 are complied with.

Discretion is restricted to:

- a. Compliance with any Iwi/Papatipu Rūnanga Mmanagement Plan in place for the site; **or**
- b. If there is no Iwi/Papatipu Rūnanga Management Plan in place for the site:**
 - i. Number of visitors/workers staying on site;
 - ii. Number of days of use for the accommodation;
 - iii. Management of traffic and parking;
 - iv. ~~Landscape measures~~ **Measures to mitigate landscape effects;**
 - v. Any impacts on the production values of the surrounding land;
 - vi. Effects on visual amenity and rural character; and
 - vii. Methods of water supply and wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: Discretionary

Notification: Applications for activities under this rule will not be publicly notified.

MPZ - R16 Community Facilities not meeting Rule MPZ - R9

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Compliance with any Iwi/Papatipu Rūnanga Mmanagement Plan in place for the site; **or**
- b. If there is no Iwi/Papatipu Rūnanga Management Plan in place for the site:**
 - i. Management of access, parking and traffic generation;
 - ii. Hours of operation;
 - iii. Noise management and lighting; **and**
 - iv. ~~Landscape measures~~ **Measures to mitigate landscape effects.**

Activity status where compliance not achieved: N/A

Notification: Applications for activities under this rule will not be publicly notified.

~~MPZ - R17 Non-rural Activities not meeting Permitted Activity Standards~~

~~Activity Status Restricted Discretionary~~

~~Where:~~

- ~~1. The maximum floor and yard area for any non-rural activity shall be 100m²; and~~

~~2. All performance standards for Rule MPZ—R1 are complied with.~~

Discretion is restricted to:

- ~~a. Compliance with any Iwi/Papatipu Rūnanga management plan in place for the site;~~
- ~~b. The extent to which the activity could be undertaken more appropriately in another zone;~~
- ~~c. Bulk and location of buildings;~~
- ~~d. Management of traffic and parking;~~
- ~~e. Management of odour;~~
- ~~f. Landscape measures;~~
- ~~g. Any impacts on the production values of the surrounding land;~~
- ~~h. Effects on visual amenity and rural character; and~~
- ~~i. Methods of water supply, wastewater and stormwater treatment and disposal.~~

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

MPZ - R187 Buildings and Other Activities in Accordance with an Iwi/Papatipu Rūnanga Management Plan not meeting Rule MPZ - R10

Activity Status Restricted Discretionary

Discretion is restricted to:

- a. Compliance with any Iwi/Papatipu Rūnanga ~~M~~management ~~P~~plan in place for the site;
- b. The extent to which the activity could be undertaken more appropriately in another zone;
- c. Bulk and location of buildings;
- d. Management of traffic and parking;
- e. Management of odour;
- f. Landscape measures. **Measures to mitigate landscape effects;**
- g. Any impacts on the production values of the surrounding land;
- h. Effects on visual amenity and rural character; and
- i. Methods of water supply, wastewater and stormwater treatment and disposal.

Activity status where compliance not achieved: N/A

Notification: Applications for activities under this rule will not be publicly notified.

Discretionary Activities

MPZ - R198 Agricultural, Pastoral and Horticultural Activities, Conservation and Recreation Activities not meeting Permitted, ~~Controlled~~ or Restricted Discretionary Activity Rules

Activity Status Discretionary

Notification:

Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio) **When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.**

Activity status where compliance not achieved: N/A

MPZ - R2019 Rural Industry or Intensive Indoor Primary Production not meeting Permitted or Restricted Discretionary Activity Rules

Activity Status Discretionary

Notification:

Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio) When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.

Activity status where compliance not achieved: N/A

MPZ - R210 ~~Non-rural~~ Conservation and Recreation activities not meeting Permitted or Restricted Discretionary Activity Rules

Activity Status Discretionary

Notification:

Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio) When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.

Activity status where compliance not achieved: N/A

MPZ - R221 Minor structures, Fences, Walls and Retaining Walls, and Relocated buildings not meeting Permitted or Restricted Discretionary Rules

Activity Status Discretionary

Notification:

Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio) When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.

Activity status where compliance not achieved: N/A

MPZ – R22 Mineral Extraction not meeting Permitted or Restricted Discretionary Rules.

Activity Status: Discretionary

Notification:

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

Activity status where compliance not achieved: N/A

Non-complying Activities

MPZ - R23 Residential activities and visitor accommodation activities not meeting Permitted or Restricted Discretionary Rules

Activity Status Non-complying

Notification:

Applications will always be limited notified to the relevant hapū rūnanga (Te Rūnanga o Ngāti Waewae or Te Rūnanga o Makaawhio) When making notification decisions in relation to this rule, the Council will consult with Poutini Ngāi Tahu.

Activity status where compliance not achieved: N/A

MPZ - R24 Any Activity not provided for in another Rule in the Zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Port Zone Chapter

PORT ZONE - Te Takiwā Wāpu

Overview

Westport and Greymouth Ports are the major ports on the West Coast/Te Tai o Poutini **and are regionally significant infrastructure.** They are significant connections to the rest of New Zealand/Aotearoa me Te Waipounamu as well as providing the bases for the West Coast/Te Tai o Poutini fishing fleet.

The PORTZ - Port Zone applies to the two ports and their surrounds and the zone's purpose is to enable the efficient operation and development of the ports and associated land and activities. Flexibility for the ports to develop and adapt is important. The ports have special operational needs and environmental effects, and the special purpose zoning is tailored to address those needs and effects. This includes providing for a degree of operational flexibility subject to environmental considerations.

Essentially the PORTZ - Port Zone has been developed as a type of heavy industrial zone, which recognises Port Activities as the major use for the area. It does, however, provide for other types of activities, but recognises that amenity levels within the zone are likely to be unsuitable for some types of development to occur.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District - wide Matters chapters also contain provisions that may be relevant for port activities, including:

- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters – there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Port Zone. Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.**
- **Natural Hazards - natural hazards are widespread on the West Coast and in some locations natural hazard overlays may affect areas in the Port Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards Chapter.**
- **Ecosystems and Indigenous Biodiversity – The Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Port Zone.**
- **Noise** - The Noise Chapter contains noise provisions for activities in the PORTZ - Port Zone.
- **Signs** - The Signs Chapter contains the provisions for signs for activities in the PORTZ - Port Zone
- **Light** - The Light Chapter contains the provisions for artificial outdoor light, for activities in the PORTZ -Port Zone.
- **Subdivision** - The Subdivisions chapter sets out the requirements for subdivision.
- **Financial Contributions** - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on local network utility infrastructure.

Port Zone Objectives

PORTZ - O1

~~Manage~~ **The safe and efficient maintenance, operation and upgrading of** West Coast/Te Tai o Poutini ports **is enabled and** ~~to sustain~~ their current and future potential use and development **is sustained**.

PORTZ - O2

Minimise **Manage** effects of port activities on areas beyond those used for port activities, including adverse effects on the adjacent coastal marine area.

PORTZ – O3

The West Coast/Te Tai o Poutini ports of Westport and Greymouth are recognised and provided for as regionally significant infrastructure that contribute to the economic and social wellbeing of the region.

PORTZ – O4

The West Coast/Te Tai o Poutini ports of Westport and Greymouth are protected from incompatible land use, subdivision and development that may result in reverse sensitivity effects.

Port Zone Policies

PORTZ - P1

Enable the efficient operation, use and development **and recognise the functional need and operational need** of West Coast/Te Tai o Poutini ports ~~by ensuring incompatible activities or developments do not compromise port operations or development of port and maritime facilities.~~

PORTZ - P2

Provide for public use and access to areas adjoining West Coast/Te Tai o Poutini ports, for recreational and tourism purposes, provided this does not adversely affect the efficient and safe operation of marine and port activities.

PORTZ - P3

Provide for maintenance and development activities that increase West Coast/Te Tai o Poutini ports' resilience to natural hazards.

PORTZ - P4

Recognise the historic and cultural significance of the West Coast/Te Tai o Poutini ports and make use of opportunities to identify and enhance historic and cultural sites, values and taonga of cultural significance to Poutini Ngāi Tahu.

PORTZ - P5

Work co-operatively with the West Coast Regional Council and the Port Operators to address cross-boundary resource management issues deriving from activities undertaken within port areas.

PORTZ - P6

Impose performance standards on development and land use in the PORTZ - Port Zone that protects the amenity values of the adjacent commercial, residential and rural areas.

PORTZ – P7

Avoid incompatible activities or developments locating in the Port Zone where these could adversely affect the efficient operation or development of the port or result in reverse sensitivity effects arising.

Port Zone Rules

Permitted Activities

PORTZ - R1

Port and Industrial Activities and Buildings

Activity Status Permitted

Where:

1. The maximum building height above ground level is 20m;
2. Maximum site coverage is 80%;
3. Buildings are setback a minimum:
 - a. 5m from road boundaries, the rail corridor and any RESZ - Residential Zone or MUZ - Mixed Use Zone boundary; and
 - b. 10m from State Highways;
4. All external storage and car parking areas shall be screened by a **minimum 1.8m high solid** fence or landscaping so that it is not visible from any adjoining RESZ - Residential Zone boundary or adjoining public place outside of the PORTZ - Port Zone **except that landscaping shall not restrict the visibility of vehicle access;**
5. ~~Vibration from any site due to blasting shall not exceed a peak particle velocity of 5mm/sec measured in the frequency range 3-12 Hz at the notional boundary of any noise sensitive activity;~~
6. ~~Airblast overpressure from blasting shall not exceed a peak sound pressure level of 120 dBC at the notional boundary of any noise sensitive activity;~~
7. ~~There shall be no offensive or objectionable dust nuisance at or beyond the PORTZ Port Zone boundary as a result of the activity;~~
8. ~~No noxious or offensive odour shall be detected beyond the PORTZ Port Zone boundary that the activity occurs in;~~
9. ~~The area adjoining the road frontage of all sites, and the side boundary of a site that adjoins a RESZ - Residential, OSRZ - Open Space and Recreation Zone or MUZ - Mixed Use Zone, shall contain landscaping with a minimum width of 2 metres which includes planting that will, within two years of being planted, reach a height of 1m, except that this does not apply to any emergency services facility or vehicle access to the site;~~
10. ~~7. Stormwater run-off associated with any Port, industrial or commercial activity or building, including earthworks, shall be collected and treated prior to discharge to~~

~~ensure there are no significant adverse effects on water quality~~ **in accordance with the relevant standards of NZS4404:2010;**

~~11.8.~~ No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site **RESZ – Residential Zone** boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to

- i. Road boundaries;
- ii. Buildings on adjoining sites that have a common wall along the boundary;
- iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
- iv. Antennas, aerials, satellite dishes (less than 1.2m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; and
- v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

9. All buildings are connected to network utility services where they are available for water supply, wastewater and stormwater disposal. Where water supply, wastewater or stormwater services are not available then these systems shall be designed and constructed in accordance with the relevant standards of NZS4404:2010.

Advice Notes:

1. Any landscaping required by this rule may be located in common areas, where the development comprises land and/or buildings in separate unit titles.
2. Stormwater facilities that support multiple functions such water quality treatment, biodiversity enhancement and landscape amenity, should be incorporated into landscaped areas, where practicable, to achieve effective stormwater management in an integrated manner.
3. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.**

Activity status where compliance not achieved: Discretionary for standards 1 – ~~107~~ **and 9**,
Restricted Discretionary for standard ~~118~~

PORTZ - R2 Minor Structures

Activity Status Permitted

Where:

1. ~~All performance standards for Rule PORTZ – R1 are complied with except that compliance with standard 3 (setbacks) is not required;~~
2. Masts, poles, aerials and pou whenua must not exceed 7m in height; **and**
3. Any antenna dish must be less than 1m in diameter and not project more than 3.5m above the highest point of any building they are attached to;
4. ~~Any ornamental structure must not exceed 2.4 m in height; and~~
5. ~~Any other structure must not exceed 10m and 2m in height.~~

Activity status where compliance not achieved: Restricted Discretionary

PORTZ - R3 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall or wall.

Activity status where compliance not achieved: Restricted Discretionary

PORTZ - R4 Commercial Activities

Activity Status Permitted

Where:

1. All performance standards for Rule PORTZ - R1 are complied with; and
2. Any retail activity shall occupy no more than 250m² or 25% of the Gross Floor Area of all buildings on the same site, whichever is the lesser.

Activity status where compliance not achieved: Controlled

PORTZ - R5 Extension of the Coastal Cycleway

Activity Status Permitted

Where:

1. This is undertaken in accordance with a cycleway extension plan ~~approved~~ **certified** by the relevant District Council as not impeding the function of the Port.

Activity status where compliance not achieved: N/A

Controlled Activities

PORTZ - R6 Ancillary Residential Activities

Activity Status Controlled

Where:

1. One single residential unit per site is provided;
2. The residential activity is ancillary to the port, commercial or industrial activity on the site;
- ~~3. The residential activity is located at the rear of the site or above ground level;~~
4. All performance standards for Rule PORTZ-R1 are complied with.

Matters of control are:

- a. Residential unit design;
- b. Residential unit location; **and**
- c. Noise insulation requirements; ~~and~~
- ~~d. Internal air quality requirements.~~

Advice Note:

- ~~1.~~ The acoustic insulation requirements for noise sensitive activities as set out in Rule NOISE - R3 apply as a minimum in this location.

Activity status where compliance not achieved: Non-complying

Restricted Discretionary Activities

PORTZ - R7 Port and Industrial Activities and Buildings not meeting PORTZ - R1

Activity Status Restricted Discretionary

Where:

1. The building **does not comply with a recession plane as defined in Appendix Two to commence 2.5m above any boundary with a RESZ - Residential Zone** projects into the 35-degree recession plane; **and**
2. All other performance standards for Rule PORTZ-R1 are complied with; and
3. Rules NOISE - R86 and LIGHT - R2 are complied with.

Discretion is restricted to:

- a. Design, height, bulk and location of buildings;
- b. Design and location of parking and access; **Whether the activity has a functional or operational need to be located within the recession plane;**
- c. Management of hazardous substances in accordance with the objectives and policies of the Hazardous Substances chapter; and
- d. Landscape measures **Measures to mitigate landscape effects; and**
- e. **Effects on Poutini Ngāi Tahu values.**

Activity status where compliance not achieved: Discretionary

PORTZ - R8 Minor Structures not meeting Rule PORTZ - R2

Activity Status Restricted Discretionary

~~Where:~~

- ~~1. Performance standards 1-10 for Rule PORTZ-R1 are complied with.~~

Discretion is restricted to:

- ~~a. Design and location of structures; and~~
- ~~b. Landscape measures~~ **Measures to mitigate landscape effects; and**
- ~~c. Effects on Poutini Ngāi Tahu Values.~~

Activity status where compliance not achieved: ~~Discretionary~~ **N/A**

PORTZ - R9 Fences, Walls and Retaining Walls not meeting Rule PORTZ - R3

Activity Status Restricted Discretionary

Discretion is restricted to:

- ~~a. Design and location of structures; and~~
- ~~b. Landscape measures~~ **Measures to mitigate landscape effects; and**
- ~~c. Effects on Poutini Ngāi Tahu Values.~~

Activity status where compliance not achieved: N/A

Discretionary Activity

~~**PORTZ - R10 Minor Structures, Fences and Walls not meeting Permitted, Controlled or Restricted Discretionary Activity Standards**~~

~~**Activity Status Discretionary**~~

~~**Activity status where compliance not achieved:** N/A~~

~~**PORTZ - R110 Port and Industrial Activities and Buildings not meeting Permitted, Controlled or Restricted Discretionary Activity Standards**~~

Activity Status Discretionary

Advice Note: When assessing applications for resource consent under this rule, where relevant, objectives and policies of the Hazardous Substances chapter should be considered.

Activity status where compliance not achieved: N/A

Non-complying Activities

PORTZ - R121 Any Activity Not Provided for in Another Rule in the Zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Stadium Zone Chapter

Stadium Zone - Te Takiwā Hākinakina

Overview

The STADZ - Stadium Zone applies to the two major stadium facilities on the West Coast/Te Tai o Poutini - the Pulse Energy Events Centre in Westport and the Westland Recreation Centre in Greymouth. These two large facilities have multiple uses with a range of activities. Therefore, the flexibility to develop and adapt these facilities is important.

The intention of the STADZ - Stadium Zone is that the stadia will continue to be used for this purpose, together with other complementary activities. It is not anticipated that land use at the sites will change fundamentally.

The stadia and their associated activities have the potential for visual, noise, lighting/glare and traffic effects that may impact on surrounding land uses. The effects of activities within the area must be carefully managed to ensure that there are minimal adverse impacts on the rest of the community. Activities permitted within the STADZ - Stadium Zone are limited to those clearly associated with the operation and function of the stadium, or that make use of the stadium facility itself.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District - wide Matters chapters also contain provisions that may be relevant for stadium activities, including:

- **Noise** - The Noise Chapter contains noise provisions for activities in the STADZ - Stadium Zone.
- **Signs** - The Signs Chapter contains the provisions for signs for activities in the STADZ - Stadium Zone.
- **Light** - The Light Chapter contains the provisions for artificial outdoor light, for activities in the STADZ - Stadium Zone.
- **Natural Hazards** - The Natural Hazards Chapter contains provisions in relation to flood susceptibility which may be relevant in particular to the Pulse Energy Events Centre.

- **Ecosystems and Indigenous Biodiversity - The Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Stadium Zone.**

Stadium Zone Objectives
STADZ- O1
To enable efficient and effective operation of the stadia stadiums in the STADZ - Stadium Zone
STADZ- O2
Land use development and activities are designed and operated to: <ul style="list-style-type: none"> a. Provide a good standard of on-site amenity for visitors; and b. Maintain and enhance the amenity of surrounding areas as far as is practicable.

Stadium Zone Policies
STADZ – P1
Provide for activities ancillary to the stadium function: <ul style="list-style-type: none"> a. Which support the efficient and effective operation of the stadium; and b. Are not more appropriately located in another zone.
STADZ - P2
Provide for flexibility of use of the stadia stadiums , recognising a range of uses are likely to be needed to support financial viability but avoiding residential and industrial activities.
STADZ - P3
Require land use activities and development to be designed and operated to ensure that adverse effects of noise and light on the amenity of adjacent residential areas are minimised.

Stadium Zone Rules
Permitted Activities
STADZ - R1 Stadium Activity
Activity Status Permitted
Where: <ul style="list-style-type: none"> 1. The maximum height above ground level is 15 metres. This height limit does not include: a. Solar water heating components, antennas, aerials, flues, chimneys, satellite dishes (less than 1m in diameter), hydro slides and architectural features (e.g. finials, spires) that do not exceed the height by more than 1m; 2. The maximum building length is 20m where this abuts a RESZ - Residential Zone; 3. All outdoor rubbish and collection areas must be fully screened with a fence that is 1.8m in height measured from ground level so that it is not visible from any adjoining residential zone boundary;

4. Any building or structure including car parking areas, outdoor storage and rubbish collection areas must be set back:
 - a. 3m from any RESZ - Residential Zone or OSZ - Open Space Zone; and
 - b. 3m from the road boundary;
5. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary, ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to:
 - i. Road boundaries;
 - ii. Buildings on adjoining sites that have a common wall along the boundary;
 - iii. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;
 - iv. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically;
 - v. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Notes:

1. The Westport Pulse Energy Events Centre is within the Westport Hazard Overlay. Refer to the Natural Hazards Chapter for relevant finished floor height requirements.
2. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.**

Activity status where compliance not achieved: Restricted Discretionary

STADZ - R2 Minor Structures

Activity Status Permitted

Where:

1. All performance standards for Rule STADZ - R1 are complied with;
2. Masts, poles, aerials and pou whenua must not exceed 7m in height;
3. Any antenna dish must be less than 1m in diameter;
4. Any ornamental or garden structure must not exceed 2.4 m in height; and
5. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Restricted Discretionary

STADZ - R3 Fences Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level.

Activity status where compliance not achieved: Restricted Discretionary

STADZ - R4 Relocated Buildings

Activity Status Permitted

Where:

1. All performance standards for Rule STADZ - R1 are complied with;
2. A building pre-inspection report **completed in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12 month period **of the building being delivered to the site; and**
3. The building shall be located on permanent foundations approved by building consent no later than **two** months of the building being moved to the site.;~~and~~
4. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated building shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

Advice Note:

The Westport Pulse Energy Events Centre is within the Westport Hazard Overlay. Refer to the Natural Hazards Chapter for relevant finished floor height requirements.

Activity status where compliance not achieved: Restricted Discretionary

Restricted Discretionary

STADZ - R5 Stadium Activities, Minor Structures, Fences, Walls, Retaining Walls and Relocated Buildings not meeting Permitted Activity standards

Activity Status Restricted Discretionary

Discretion is restricted to:

1. Design, size, height and location of buildings, structures and facilities;
2. Screening, planting and landscape measures;
3. Shading and privacy impacts on neighbouring properties;
4. Any adverse effects on the streetscape;
5. Any adverse effects on the amenity of neighbouring properties;
6. Geotechnical and drainage requirements; and
7. The extent to which the infringement is necessary due to the shape, natural or physical features of the site.

Activity status where compliance not achieved: N/A

Non-complying Activities

STADZ - R6 Residential buildings and activities

Activity Status Non-complying

Activity status where compliance not achieved: N/A

STADZ - R7 Industrial activities

Activity Status Non-complying

Activity status where compliance not achieved: N/A

STADZ - R8 Any Activity Not Provided for in Another Rule in the Zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Scenic Visitor Zone

Scenic Visitor Zone

Overview

This zone recognises the unique tourism and scenic qualities of the commercial areas of Fox Glacier/Weheka, Franz Josef/Waiiau and Punakaiki townships.

These three areas sit adjacent to the Tai Poutini/Westland National Park, and Paparoa National Park respectively. They are located in areas of spectacular natural and cultural value, and development needs to respect the qualities of the environment in which they are located.

Because of their spectacular locations, these townships are among the most visited in the country, and form key tourism and visitor infrastructure for the West Coast/Te Tai o Poutini.

In the case of the glacier towns of Franz Josef/Waiiau and Fox Glacier/Weheka, tourism numbers have reached as high as 750,000 per annum (6000 people per day), with 450,000 people per annum visiting Punakaiki. The communities themselves, however, are home to a few hundred people, so the main focus of the commercial areas is supporting visitor activity.

Alongside their scenic locations, these three townships are all threatened by significant natural hazards - coastal erosion and rockfall at Punakaiki, and flooding and the Alpine Fault at Fox Glacier/Weheka and Franz Josef/Waiiau. Climate change may also threaten these natural features. As part of the development of these areas over time, Te Tai o Poutini Plan seeks to increase the respective townships resilience to natural hazards. At Franz Josef/Waiiau, where the Alpine Fault crosses through the centre of the township, and the Waiho River also poses a significant threat, development away from the faultline and river is supported by the Plan. This includes through changes in zoning provisions, as well as the natural hazards provisions in the Natural Hazards Chapter.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities in the SVZ - Scenic Visitor Zone, including:

- a. ~~Overlay Chapters – the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape; riparian areas; natural hazards; and the coastal environment. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.~~
- **Sites and Areas of Significance to Māori, Historic Heritage and Notable Tree Chapters - there may be sites and areas of significance to Māori, historic heritage or notable trees identified on individual sites within the Scenic Visitor Zone.**

<p><u>Specific information on the provisions that apply to these can be found in the Sites and Areas of Significance to Māori, Historic Heritage, and Notable Trees Chapters.</u></p> <ul style="list-style-type: none"> • <u>Natural Hazards - natural hazards are widespread on the West Coast and in some locations natural hazard overlays may affect areas in the Scenic Visitor Zone. Information on natural hazard overlays and provisions can be found in the Natural Hazards chapter.</u> • <u>Natural Character and Margins of Waterbodies - in some locations areas of Scenic Visitor Zone may extend into the riparian margins of waterbodies. The Natural Character and Margins of Waterbodies Chapter contains provisions on how these areas must be managed.</u> • <u>Ecosystems and Indigenous Biodiversity – the Ecosystems and Indigenous Biodiversity Chapter contains the provisions around the management of indigenous vegetation, including within the Scenic Visitor Zone. These are in addition to the specific provisions in Rules SVZ – R1 and SVZ – R5 in relation to vegetation clearance in the Punakaiki Scenic Visitor Zone.</u> • <u>Coastal Environment - where activities occur within the coastal environment, including areas of high or outstanding coastal natural character, the Coastal Environment Chapter contains provisions for activities within these areas.</u> • Subdivision - The Subdivision chapter sets out the requirements for subdivision activities in the SVZ - Scenic Visitor Zone. • Financial Contributions - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on the local network utility operators.
--

<p>Scenic Visitor Zone Objectives</p>
<p>SVZ - O1</p> <p>To provide for community and visitor needs in the Fox Glacier/Weheka, Franz Josef/Waiiau and Punakaiki townships in a way that delivers protection of the unique values (including Poutini Ngāi Tahu values) that attracts visitors and benefits the local and regional economies and communities.</p>
<p>SVZ - O2</p> <p>To support the expansion of the Fox Glacier/Weheka and Franz Josef/Waiiau townships into areas of lower risk from natural hazards and to reduce the risk where existing development is located in high-risk natural hazard locations.</p>

<p>Scenic Visitor Zone Policies</p>
<p>SVZ - P1</p> <p>Provide for growth and change to the Fox Glacier/Weheka, Franz Josef/Waiiau and Punakaiki townships that:</p>

- a. Supports the long-term viability of the commercial areas and the communities that support them;
- b. Recognises the unique scenic qualities of the environments and does not compromise the dominance of the natural landscape setting in which the townships are located; and
- c. Avoids locating further development in areas at greatest risk from significant natural hazards.

SVZ - P2

Provide for new commercial development areas beyond the current Fox Glacier/Weheka and Franz Josef/Waiiau centres where these are at lower risk from natural hazards and avoid areas of high hazard risk.

SVZ - P3

Recognise the significance of the three townships to the wider visitor economy of the West Coast/Te Tai o Poutini and enable the further development of these areas as world class visitor destinations.

SVZ - P4

Support the development of appropriate tourism and visitor businesses such as **visitor** accommodation, visitor attractions, **worker accommodation** and tourism support facilities that relate to the scenic **and built** environment in which they are located.

SVZ – P5

Within the SVZ - Scenic Visitor Zone ensure:

- a. Sufficient sewerage, stormwater, water supply, refuse disposal, roading, footpath, open space and parking infrastructure is provided as part of new development;
- b. Where new wastewater disposal infrastructure is developed, this takes a land-based disposal approach, recognising the importance of natural environment and Poutini Ngāi Tahu values in these locations; and
- c. Industrial activities are avoided.

SVZ - P6

Require high quality design outcomes within the SVZ - Scenic Visitor Zone that:

- a. Recognise and respond to the natural character and scenic landscape values of the area;
- b. Have appropriate controls on design and height to protect the landscape, **existing built environment** and natural character values;
- c. Create a safe and vibrant pedestrian environment with continuous verandah coverage in the Main Street Frontage of Fox Glacier/Weheka and Franz Josef/Waiiau;
- d. Recognise and provide for Poutini Ngāi Tahu ~~cultural~~ values; and
- e. Avoid the significant risks of natural hazards.

Scenic Visitor Zone Rules

Permitted Activities

SVZ - R1 Commercial, Visitor and Worker Accommodation, Residential, Recreational and Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities

Activity Status Permitted

Where:

1. Any building or structure is setback a minimum of 3m from any SETZ - Settlement Zone boundary;
2. All external storage and waste management space is screened by landscaping so it is not visible from any adjoining SETZ - Settlement Zone boundary or any adjoining public space;
3. Any residential activity must provide a minimum of 50m² outdoor living space for each residential unit which is separate from any parking and manoeuvring areas;
4. In the Punakaiki SVZ - Scenic Visitor Zone:
 - a. A maximum of 50m² indigenous vegetation clearance occurs as part of the activity;
 - b. Roof colour has a reflectance value of 30% or recessive colours in grey/greens;
 - c. Maximum site coverage is 60%;
 - d. Residential activities are ancillary to a Commercial or Community activity;
5. Maximum building height is:
 - a. 7m in the Punakaiki SVZ - Scenic Visitor Zone; and
 - b. 10m in the Franz Josef/Waiau and Fox Glacier/Weheka SVZ - Scenic Visitor Zone except that hose drying towers associated with Emergency Service Facilities are exempt from this standard;
6. In the Franz Josef/Waiau and Fox Glacier/Weheka SVZ - Scenic Visitor Zone:
 - a. Building roof pitch is between 8-35 degrees;
 - b. Roof colour has a reflectance value of 30% or recessive colours in grey/greens;
 - c. Buildings are clad in wood, plaster stone and/or profile metal sidings;
 - d. Accessory buildings are in the style, appearance and materials of the principal building;
 - e. Residential unit density is a minimum of 1 unit per 200m² net site area;
 - f. Maximum building coverage is:
 - i. 80%; except
 - ii. 100% for sites in the Franz Josef/Waiau Main Street Frontage area;
 - g. Except in the Franz Josef/Waiau Main Street Frontage area, a minimum 10% of the indigenous vegetation is retained on any site;
7. All buildings in the Franz Josef/Waiau Main Street Frontage area:
 - a. Are located on the front boundary of the site with no setback from the street boundary except that a recess of up to 0.5m within the facade of the building is permitted;
 - b. Have a cantilevered continuous verandah to cover the full width of the footpath;
 - c. Have 50% of the ground floor facade devoted to display windows or 75% of its height for at least 50% of the ground floor building frontage; and
 - d. Have one public entrance with glazing comprising at least 40% of the doors; **and**
8. No building shall project beyond a building envelope defined by a recession plane as defined in Appendix Two to commence 2.5m above any site boundary ~~except where neighbouring property owner's written approval is provided to the Council at least 10 working days prior to the works commencing.~~ This standard does not apply to:
 - a. Road boundaries;
 - b. Buildings on adjoining sites that have a common wall along the boundary;
 - c. Boundaries abutting an access lot or right of way in which case the furthest boundary of the access lot or right of way may be used for assessing compliance with this standard;

- d. Antennas, aerials, satellite dishes (less than 1m in diameter), chimneys, flues and architectural features (e.g. finials, spires) provided these do not exceed the recession plane by more than 3m vertically; or
- e. Solar panels and solar water heaters provided these do not exceed the height in relation to boundary plane by more than 0.25m vertically.

Advice Note:

1. Much of Franz Josef/Waiiau is within the Flood Susceptibility Hazard Overlay and/or the Earthquake Hazard Overlay. Refer to the Natural Hazards Chapter for relevant rules that also apply.
2. **Where boundary setbacks are infringed, the Deemed Permitted Activity Boundaries process will apply where the neighbouring property owner's written approval is provided to Council.**
3. Where a residential building, visitor accommodation or a noise sensitive activity is located within:
 - a. 80m of a State Highway with a speed limit of 70kph or greater; or
 - b. 40m of a State Highway with a speed limit of less than 70kph; or
 - c. The 50 dBA Noise Contour boundary of Franz Josef Heliport.

Then the acoustic insulation requirements set out in Rule NOISE - R3 will apply.

4. **The provisions of this rule in relation to indigenous vegetation clearance in the Punakaiki Scenic Visitor Zone are in addition to the requirements in the Ecosystems and Indigenous Biodiversity Chapter.**

Activity status where compliance not achieved:

Restricted Discretionary where standard 2, 3, ~~4~~ **or 8** is not complied with

Discretionary where standards 1 –2 and 5 - ~~9~~ are not complied with

SVZ - R2 Minor Structures

Activity Status Permitted

Where:

1. Masts, poles, aerials and pou whenua must not exceed 7m in height;
2. Any antenna dish must be less than 1m in diameter;
3. Any ornamental structure must not exceed 2.4m in height; and
4. Any other structure must not exceed 10m² and 2m in height.

Activity status where compliance not achieved: Discretionary

SVZ - R3 Fences, Walls and Retaining Walls

Activity Status Permitted

Where:

1. Fences, walls and retaining walls are a maximum 2m height above ground level; and
2. The fence, wall or retaining wall is not used for advertising or any other purpose other than a fence, retaining wall.

Activity status where compliance not achieved: Discretionary

SVZ - R4 Relocated Buildings

Activity Status Permitted

Where:

1. All standards for Rule SVZ - R1 are complied with;
2. Any relocated building intended for use as a dwelling must have been designed, ~~and~~ built ~~and to be~~ used as a dwelling;
3. A building pre-inspection report **completed in accordance with Appendix Eleven** shall accompany the application for a building consent for the destination site. That report is to identify all reinstatement works that are to be completed to the exterior of the building. The report shall include a certification by the property owner that the **exterior** reinstatement works **including connections to infrastructure services and closing in and ventilation of the foundations** shall be completed within a 12 month period **of the building being delivered to the site; and**
4. The building shall be located on permanent foundations approved by building consent no later than ~~two~~ **two** months of the building being moved to the site; ~~and~~
5. ~~All other reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within 12 months of the building being delivered to the site. This reinstatement work is to include connections to all infrastructure services and closing in and ventilation of the foundations.~~

Activity status where compliance not achieved: Discretionary

Restricted Discretionary Activities

SVZ - R5 Commercial, Visitor and Worker Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not Meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

1. This is in the Punakaiki SVZ - Scenic Visitor Zone; and
2. Indigenous vegetation clearance is proposed as part of the activity; and
3. All other performance standards for Rule SVZ - R1 are complied with.

Discretion is restricted to:

- a. Design, height, bulk and location of buildings and structures;
- b. Carparking, vehicle and pedestrian access;
- c. Extent of indigenous vegetation clearance;
- d. Effects on Poutini Ngāi Tahu ~~Cultural~~ values;
- e. Effects on natural character and landscape values; and
- f. Effects on biodiversity and wildlife values.

Activity status where compliance not achieved: Discretionary

Advice Note: The provisions in this rule in relation to indigenous vegetation clearance in the Punakaiki Scenic Visitor Zone are in addition to the requirements in the Ecosystems and Indigenous Biodiversity Chapter.

Discretionary Activities

SVZ - R6 Commercial, Visitor and Worker Accommodation, Residential, Recreational, Conservation Activities and Buildings, Community Facilities and Emergency Service Facilities not meeting Permitted or Restricted Discretionary Activity Rules.

Activity Status Discretionary

Activity status where compliance not achieved: N/A

SVZ - R7 Minor Structures, Relocated Buildings, Fences, Walls and Retaining Walls not meeting Permitted Activity Rules

Activity Status Discretionary

Activity status where compliance not achieved: N/A

Non-complying Activities

SVZ - R8 Industrial Activities

Activity Status Non-complying

Activity status where compliance not achieved: N/A

SVZ - R9 Any Activity Not Provided for in Another Rule in the Zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Natural Open Space Zone Chapter

NOSZ – PREC1 - Franz Josef Amenities Area Precinct Policy

Within the Franz Josef Amenities Area Precinct, provide for the development and operation of an aerial cableway/gondola facility provided that:

- a. The adverse effects on the natural environment and Poutini Ngāi Tahu values are avoided, remedied or mitigated;**
- b. The facilities are designed and constructed to minimise the risk of exacerbating natural hazard risk;**
- c. Any restrictions on public access to the Franz Josef Valley are of a limited or temporary nature during the construction period;**
- d. Operation of the facility is undertaken in accordance with a management plan which addresses how visitors will be managed to minimise adverse effects on the significant and outstanding values of the Franz Josef Valley including any adverse effects on the alpine environment.**

NOSZ – R14 Construction, Operation, Removal and Post Closure Remediation of an Aerial Cableway and associated ancillary buildings and ancillary activities within the Franz Josef Amenities Area Precinct.

Activity Status: Discretionary

Advice Note: When assessing any resource consent within the Franz Josef Amenities Area Precinct, assessment should be undertaken against all relevant OSRZ Policies including OSRZ – P1 – OSRZ – P10.

Subdivision Chapter

SUB - R12 Subdivision of land to create allotment(s) within the FUZ - Future Urban Zone

Activity Status Restricted Discretionary

Where:

1. All Subdivision Standards are complied with; **except that**
2. **Compliance with SUB -S1 is not required when the subdivision is in accordance with any structure plan that has been adopted by the relevant district council for the Future Urban Zone area.**

Discretion is restricted to:

- a. The size, design, shape, location and layout of allotments;
- b. The extent to which the subdivision will be consistent with the Objectives and Policies for the Future Urban Zone and Policy SUB - P5
- c. Where relevant consistency with the NZS 4404 Code of Practice for Land Development and Subdivision infrastructure;
- d. The provision of infrastructure and services for **transport** drinking water, wastewater and stormwater, telecommunications and energy;
- e. The adequacy of water supply for firefighting;
- f. The requirement for financial contributions as outlined in Rules FC – R1 to FC – R12;
- g. Effects on Poutini Ngāi Tahu values, **indigenous biodiversity, historic heritage identified in Schedule One, natural character of waterbodies** or notable trees **identified in Schedule Two** within or adjacent to the site;
- h. The provision of esplanade reserves or strips, and the need for access to be provided to any esplanade reserve or strip created;
- i. Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control; ~~and~~
- j. Management of potential reverse sensitivity effects on existing land uses, including network utilities, rural activities, **regionally significant infrastructure** or significant hazardous facilities;
- k. **Management of adverse effects on existing infrastructure;**
- l. **Management of natural hazards and any geotechnical constraints; and**
- m. **The extent to which area - wide land stability measures are undertaken on potentially unstable slopes prior to development.**

Appendices

Appendix Nine: Airport Approach Path Overlay

Westport Airport, **Haast Airfield** and Karamea Aerodrome

Height Restrictions – 1.2m height for any building, structure or tree that extends into the Westport Airport, **Haast Airfield**, or Karamea Aerodrome Flight Path as shown on the planning maps.

Appendix Twelve Structure Plan Requirements

In order to meet the requirements of Rule FUZ – R10, the Structure Plan must be prepared using the following process:

Process

1. SCOPING AND PROJECT PLANNING

The scoping and project planning phase of structure planning shall include the following considerations:

- q. **Defining the area of the structure plan**
- r. **An initial review of existing information on the area**
- s. **Constraints identification and analysis**
- t. **The overall outcomes desired of the structure plan:**
- u. **Development and implementation timeframes including infrastructure sequencing**
- v. **Identification of key stakeholders**
- w. **The resources required for the structure planning process and implementation:**
- x. **Risk assessment**

2. COMMUNITY AND STAKEHOLDER CONSULTATION

Consultation will be undertaken with the following stakeholders as a minimum

- a. **stormwater, wastewater and roading engineer at the relevant district council**
- b. **parks, and community facilities staff at the relevant district council**
- c. **those who will be responsible for budgeting and finance in the planning and implementation phases of the structure plan**
- d. **landowners and occupiers of the area affected by the structure plan;**
- e. **landowners adjoining the area being structure planned**
- f. **the New Zealand Transport Agency**
- g. **public agencies responsible for social/community infrastructure (Ministry of Education, Ministry of Health and other health service providers etc.)**
- h. **Network utility providers**

A well-defined consultation process similar to Schedule 1 of the RMA and section 82 of the LGA should be followed for the structure plan, so that the plan can be given some weight in any subsequent RMA consent processes. A structured submission and hearing processes is required for the draft structure plan, prior to its adoption.

3. ENGAGEMENT WITH POUTINI NGĀI TAHU

Poutini Ngāi Tahu should be engaged with at the commencement of the structure planning process to gauge their level of interest and role that they wish to play in the process.

Depending on the nature of the structure plan, Poutini Ngāi Tahu involvement could include:

- a. **representation on a steering group that will guide the structure plan process**
- b. **preparation of a cultural impact assessment or other reports and analysis documents**
- c. **examining ways to facilitate Māori development opportunities, including development of Māori land**
- d. **projects involving the identification of places and areas of significance**
- e. **being consulted, receiving regular updates or being kept informed.**

4. RESEARCH AND INFORMATION ANALYSIS

The research and analysis phase is a core component of the structure plan process. This research and analysis should build on the work carried out in the scoping phase and may run

parallel to consultation, with each helping inform the other. Research and analysis should therefore be ongoing and detailed information obtained during this phase can be used to refine the final design.

Research and analysis should include a review of all available relevant existing information on the area being structure planned. Further research and investigation may need to be undertaken where critical information gaps are identified. Depending on the issues identified, the outcomes desired and the information already available, research and investigation may need to be carried out into:

- a. Existing and desired urban form:
- b. Natural resources and environmental constraints:
- c. Open space and recreational opportunities:
- d. Landscape and visual amenity:
- e. Natural hazards and land suitability:
- f. Māori culture and heritage:
- g. Infrastructure (roading and transport, stormwater management, energy supply, telecommunications, roading and transport):

5. URBAN DESIGN REQUIREMENTS

Structure plans can play an important part in achieving good urban design and promoting quality outcomes. As a starting point for promoting good urban design the New Zealand Urban Design Protocol identifies seven essential design qualities that should also act as guiding considerations in the structure planning process. These are referred to as the seven Cs: Context, Character, Choice, Connections, Creativity, Custodianship and Collaboration.

6. GENERATION AND EVALUATION OF ALTERNATIVES

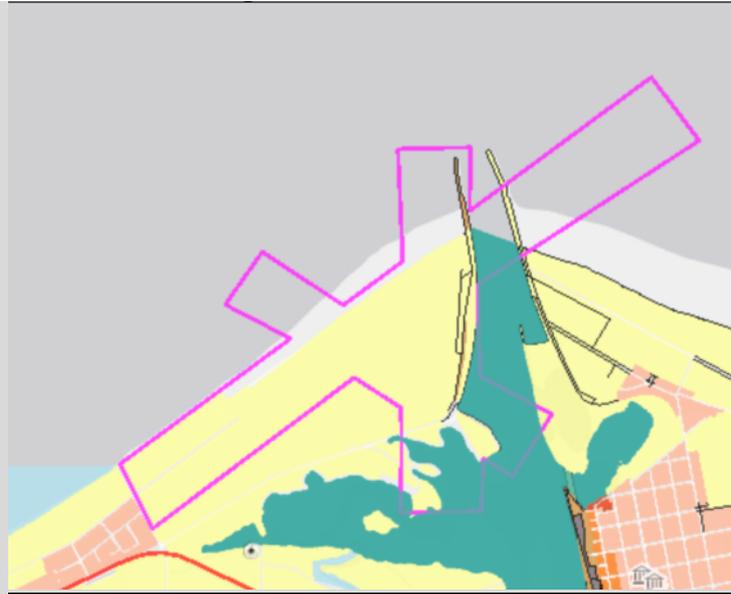
The alternatives need not be developed to a highly detailed level, and could take the form of concept drawings or sketches (and an accompanying statement or explanation) until such time as they are either discarded or selected for further work or refinement.

7. FINALISING THE STRUCTURE PLAN

A formal consultation and adoption process is required with the opportunity for written submissions and a hearing of these by decision makers. This could be integrated with consultation processes under the LGA for the LTP or annual plan which may be beneficial to provide efficiencies and alignment given the direct relationship between these plans, especially in relation to infrastructure provision.

Planning Maps

Amendment to the Planning Maps – Westport Flight Path Overlay



Amendment to the Planning Maps – Haast Airfield Flight Path Overlay

- Include Airport Flight Path Overlay for Haast Airfield into the Planning Maps

Rezoning Haast Airfield to Airport Zone



Haast Airfield – Insert 55dB Ldn Noise Contour Boundary



Hospital Zone Planning Map

The Ngākawau Medical Centre property at 1B Main Road, Hector is changed from Settlement Zone to Hospital Zone as shown in the map below:



MĀORI PURPOSE ZONE

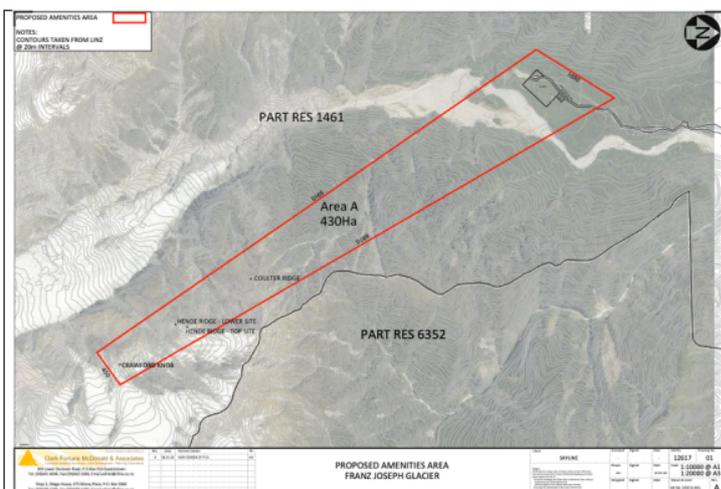
Rezoning

The land known as **Lake Moeraki Reserve (Lot 1 Deposited Plan 3772), SASM 185** within this plan, is to be rezoned from **General Rural Zone to Māori Purpose Zone**. This land is shown on the map below:



Rezoning Franz Josef Amenities Area

Rezone part of the Franz Josef Glacier Valley as Natural Open Space Zone: Franz Josef Amenities Area Precinct as shown on the map below:



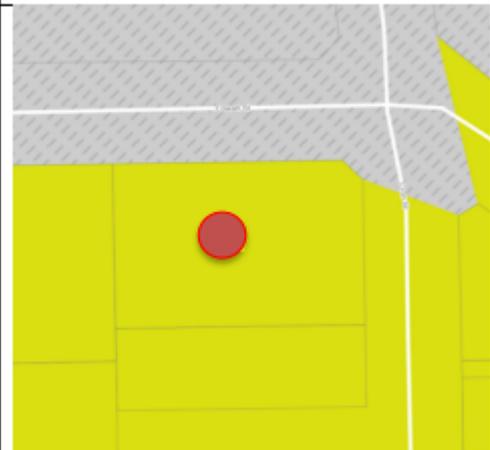
Area in Red to be Rezoned Natural Open Space Zone : Franz Josef Amenities Area Precinct

Rezone 29-31 Cron Street Scenic Visitor Zone

29-31 Cron Street – West Coast Wildlife Centre Aerial Photo



29-31 Cron Street – West Coast Wildlife Centre Current Zoning



Rezone 2902 Franz Josef Highway Scenic Visitor Zone

2902 Franz Josef Highway

